

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9724 of 2020

Babu

... Petitioner

Vs.

State rep. by its
The Inspector of Police
Menjur Police Station
Thiruvallur District
(Crime No.1420 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1420 of 2020 on the file of the Inspector of police, Menjur Police Station, Thiruvallur District.

For Petitioner : Mr.M.Veilkani Raju

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 12.06.2020 for the offence punishable under Sections 174 @ 306 IPC in Crime No.1420 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that his brother / deceased, aged about 24 years, was found dead. Originally a case was registered under Section 174 Cr.P.C., during investigation, it was found that the petitioner was forced to commit suicide. Hence, the case was altered to 306 IPC. During the course of investigation, it was revealed that the deceased had sent a whatsapp message stating that the accused persons have instigated him to commit suicide. It is alleged that the petitioner is a moneylender and lent money to several persons. Thereafter, he becomes friendly with the wives of the persons who have borrowed money from him and he would have illicit intimacy. Like wise, the petitioner had developed illicit intimacy with the wife of the deceased, thereby, the deceased committed suicide.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested on 12.06.2020, the deceased and his wife were separated two years ago and his wife has also filed H.M.O.P. against the deceased, due to his drinking habit. The deceased had also borrowed

some amount from the petitioner, in order to put the blame on the petitioner, the deceased had sent a false message in Whatsapp only to fix the petitioner in this case. The Whatsapp message and other materials were recovered by the respondent police.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is a moneylender. He had lent money to the deceased and developed illicit intimacy with the wife of the deceased, thereby, the deceased committed suicide by hanging. He would further submit that the investigation is pending.

5.Taking into consideration of the facts and circumstances of the case and also considering the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.II, Ponneri, Thiruvallur District, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, on every Monday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

07/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI, THIRUVALLUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MENJUR POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI

CC to M/S. M.VEILKANI RAJU Advocate on payment of necessary charges

CRL OP.9724/2020

Date :07/07/2020

RVR 02/09/2020

WEB COPY