

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.10192 of 2020

M.Giribabu

... Petitioner

Vs.

State represented by
Inspector of Police
Poonamallee Police Station
Chennai Police
(Crime No.618 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.618 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.A.M.Rahamath Ali

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 21.06.2020 for the offence punishable under Sections 174 (3) Cr.P.C. altered to 306 IPC in Crime No.618 of 2020, seeks bail.

2. The case of the prosecution is that the defacto complainant is the tenant in the house of the petitioner. During the COVID-19 period, they were unable to pay the rent, when the same was demanded by the petitioner, the defacto complainant borrowed a sum of Rs.10,000/- and asked her husband to hand it over to the house owner. The deceased had taken Rs.500/- from the rent money and consumed alcohol. When the same was questioned by the defacto complainant, the deceased kicked the dog belonging to the petitioner and there was a wordy quarrel. At about 3.00p.m. the deceased attempted to commit suicide, which was prevented by the defacto complainant, thereafter, around 4.00 p.m. she found their house was locked inside and found her husband was hanging. Based on her complainant, a case was registered under Section 174 (3) Cr.P.C. and later it was altered to 306 IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the son of the owner of the house, the defacto complainant is the tenant. On the date of occurrence, the husband of the defacto complainant had kicked the dog belonging to the house

owners, thereby, quarrel arose between them. The deceased also took Rs.500/- from the rent money and consumed alcohol, when the same was questioned by the defacto complainant, the deceased had committed suicide by hanging.

4.The learned Government Advocate (Crl. Side) would submit that there was a dispute with regard to non payment of rent between the petitioner and the defacto complainant, due to which, the deceased committed suicide by hanging. Investigation is pending.

5.Considering the facts and circumstances, 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, Poonamallee, 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 as and when required for interrogation.

(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, POONAMALLEE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
POONAMALLEE POLICE STATION,
CHENNAI POLICE.

4 THE OFFICER INCHARGE,
SUB JAIL, THIRUVALLUR

CC to M/S. A.M.RAHAMATH ALI Advocate on payment of necessary charges

CRL OP.10192/2020

Date :07/07/2020

RVR 02/09/2020

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