

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

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

Crl.O.P.No.13387 of 2020

and Crl.OP.No.12670 of 2020

Pradeep @ Pradeepraj

... Petitioner/Accused-1

Vs.

The State Rep. by
The Inspector of Police,
T-15, SRMC Police Station,
Ayapanthangal, Chennai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.37 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.G.Ashok kumar

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

Crl.O.P.No.12670 of 2020

Manis @ D.J.Manikandan

... Petitioner/Accused-2

Vs.

The State Rep. by
The inspector of Police,
T-15, SRMC Police Station,
Ayapanthangal, Chennai.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.37 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Ashok kumar

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

C O M M O N O R D E R
(These cases have been heard through video conference)

The petitioner/A1 in CrI.O.P.No.13387 of 2020, who was arrested and remanded to judicial custody on 05.08.2020 for the offences punishable under Sections 174(3) @ to section 306 IPC in Crime No.37 of 2020, seeks bail.

2. The petitioner/A2 in CrI.O.P.No.12670 of 2020 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174(3) @ to section 306 IPC in Crime No.37 of 2020, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution as per the defacto complainant one Amudha is that her elder daughter Banu was married to one Sampathkumar on 17.11.2013 and that they were living at Jafarkhanpet and her husband was running a grocery store in the building owned by A1. Whiles, on 13.08.2019, the victim was found missing along with the child and on the complaint given by the defacto complainant, the case was registered in crime No.397 of 2019 as women and child missing. Thereafter, it was found that her daughter had eloped with A1 and thereafter they were living in a house at Iyappanthangal. Whiles, the defacto complainant received a message that her daughter was admitted in hospital since she attempted suicide and later she died on 25.01.2020. During the course of investigation, it came to light that the petitioner had enticed her and taken away from her husband and kept her for some time and thereafter deserted her, due to which, she committed suicide. The allegation against A2 is that he is the friend of A1 and he assisted him for arranging a house for them to stay.

4.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and that they have been falsely implicated in this case. He would submit that there is no allegation against A1 that he instigated or abetted the victim to commit suicide. As far as the petitioner/A2 in CrI.O.P.No.12670 of 2020 is concerned, the allegation is that he assisted in arranging the house for the stay of the A1 and the victim.

5.The learned Government Advocate (CrI. Side) would submit that the petitioner/A1 in CrI.O.P.No.13387 of 2020 had enticed the married women and taken her away and lived with her for some time and thereafter deserted the victim, due to which she committed suicide by hanging. He further submits that originally the case was registered under Section 174 Cr.P.C. and later, on knowing that the petitioner/A1 CrI.O.P.No.13387 of 2020 is the reason for the suicide of the victim, the case was altered to Section 306 IPC and that the investigation is pending. He would submit that as far as the petitioner/A2 in CrI.O.P.No.12670 of 2020 is concerned, he is said to have arranged the house for the petitioner/A1 and the victim for staying.

6. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and the fact that the allegation against the petitioner/A1 in Crl.O.P.No.13387 of 2020 is that he has enticed the married women and taken her away and thereafter deserted her and the investigation is at initial stage, this Court is not inclined to grant bail to the petitioner/A1 in Crl.O.P.No.13387 of 2020. As far as the petitioner/A2 in Crl.O.P.No.12670 of 2020 is concerned, he has only assisted A1, therefore, this Court is inclined to grant anticipatory bail to the petitioner/A2 in Crl.O.P.No.12670 of 2020 subject to the following conditions;

7. Accordingly, the petitioner/A2 in Crl.O.P.No.12670 of 2020 is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.1, Poonamallee, Chennai, on condition that the petitioner/A2 in Crl.O.P.No.12670 of 2020 shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner/A2 in Crl.O.P.No.12670 of 2020 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner/A2 in Crl.O.P.No.12670 of 2020 shall report before the respondent daily at 10.30 a.m. until further orders.

[c] the petitioner/A2 in Crl.O.P.No.12670 of 2020 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner/A2 in Crl.O.P.No.12670 of 2020 shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner/A2 in Crl.O.P.No.12670 of 2020 in accordance with law as if the conditions have been imposed and the petitioner/A2 in Crl.O.P.No.12670 of 2020 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, Crl.O.P.No.13387 of 2020 is dismissed and Crl.O.P.No.12670 of 2020 is ordered.

-sd/-
01/09/2020

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.I, POONAMALLEE, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-15, SRMC POLICE STATION,
AYAPANTHANGAL, CHENNAI.

CC to M/S.G.ASHOK KUMAR Advocate on payment of necessary charges

सत्यमेव जयते

CRL Ops.13387 & 12670/2020

Date :01/09/2020

cs 15/09/2020

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