

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.15013 of 2020

R.Jothiraj

... Petitioner

Vs.

The State Rep. By
The Inspector of Police
Varapalayam Police Station,
Gobichettipalayam Taluk,
Erode District.
(Crime. No. 205/2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.205 of 2018 on the file of the respondent police.

For Petitioner : M/s.P.Saravana Sowmiyan

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 174 of Cr.P.C @ 306 IPC in crime No.205 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the victim namely Vani had married to one Rajkumar. Out of their wedlock, they have two daughters and due to misunderstanding, the victim and her husband got separated and also obtained divorce. Thereafter she was living separately along with her children. Subsequently, the victim was employed as teacher in Anganwadi School and she had financial dealings with the petitioner. On 26.06.2018, when the defacto complainant visited the victim's house, he had found the victim having committed suicide by hanging. Hence, the defacto complaint lodged against the petitioner alleging that due to harrasement, the victim had committed suicide.

3. The learned counsel for the petitioner would submit that he is innocent and has not committed any offence as alleged by the respondent and he has been falsely implicated in this case. The learned counsel would further submit that originally the case was registered in Crime No. 205 of 2018 under Section 174 of IPC and after two years, the respondent police has now altered the offences in FIR, implicating the petitioner under Section 306 of IP|C.

4. The learned Additional Public Prosecutor would submit that the victim is a divorcee and the petitioner had developed relationship with her and was living with her. During their relationship, the petitioner had given money to the victim and harassed her for return of the same, and abetted the victim to commit suicide. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the fact that the FIR was registered in the year 2011, this Court is inclined to grant Anticipatory Bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate - II, Gobichettipalayam, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each 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 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 shall report before the respondent Police every day at 10.30 a.m., for a period of one week and thereafter on every monday.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

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

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

-sd/-
24/09/2020

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.II, GOBICHETTIPALAYAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VARAPALAYAM POLICE STATION,
GOBICHETTIPALAYAM TALUK,
ERODE DISTRICT.

+1 CC to M/S.P.SARAVANA SOWMIYAN Advocate on payment of necessary charges SR.No.6463

सत्यमेव जयते

CRL OP.15013/2020

Date :24/09/2020

cs 06/10/2020

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