

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.15731 of 2020

1. Soundarajan
2. Muralidoss

... Petitioners

Vs.

The State represented by
The Inspector of police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
Crime No.2614 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest in Crime No.2614 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Arivazhagan

For Respondent : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences publishable under Section 306 of IPC in Crime No.2614 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant who is the father of the victim/Megala is that one Sourirajan had a love affair with defacto complainant's daughter from 2009. While so, in the year 2016, the first petitioner had abused the victim girl in filthy language and also threatened her. Later, the said Sourirajan cheated her daughter and also married another woman. Even thereafter, the said Sourirajan continued his relationship with the victim girl and later, on 22.09.2020, he met the victim girl and stated that they should not have any relationship. Therefore, a dispute arose between and since he abused her committed suicide. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are respectively father and brother of the main accused Sourirajan. Even as per the FIR, the first accused and the victim were having a relationship from the year 2009. However, he got married to another woman and even thereafter, he was continuing his relationship with her. Subsequently, since there was some dispute between the victim and the first accused, she committed suicide and there is no allegation as against the petitioners that the victim committed suicide because of the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 and A3 are still in custody. He would further submit that these petitioners had consented and supported the first accused. Hence, he opposed the grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which a copy of this order is made ready, 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 Judicial Magistrate, Thiruthuraipoondi, Thiruvarur, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate 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 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/-

06/10/2020

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,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE, सत्यमेव जयते
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT

+1CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary charges SR NO.6678

CRL OP.15731/2020

Date :06/10/2020

MK:13/10/2020