

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 16066 of 2020

1.Sourirajan

2.Panneer @ Panneerdhasan

... Petitioners/Accused Nos.1 & 3

Vs.

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

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No. 2614 of 2020, on the file of the respondent police.

For Petitioners : Mr.S.Arivazhagan

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

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 22.09.2020 for the offences punishable under Section 306 of IPC, in Crime No. 2614 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant who is the father of the victim/Megala is that the first petitioner Sourirajan had a love affair with defacto complainant's daughter from the year 2009. While so, in the year 2016, the father of the first petitioner along with other accused had abused the victim girl in filthy language and also threatened her. The further allegation is that the said Sourirajan / the first petitioner herein, cheated the daughter of the defacto complainant and 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 them following which, she committed suicide by consuming cyanide poison. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that co-accused in this case have been granted anticipatory bail by this Court in CrI.O.P.No.15731 of 2020 by order dated 06.10.2020 and the petitioners have been suffering incarceration from 22.09.2020. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (CrI. Side) would vehemently oppose stating that the first petitioner/A1 had love affair with the deceased and thereafter, married another woman and thereby, cheated the deceased. Even after the marriage, the first petitioner continued the relationship with the deceased and thereafter there was a dispute between the petitioner and the deceased and that the other family members of A1, have threatened the deceased and thereby, she committed suicide.

5. Taking into consideration the facts and circumstances of the case, this Court is not inclined to grant bail to the first petitioner. Accordingly, this Criminal Original Petition stand dismissed insofar as the first petitioner / A1 is concerned.

6. Insofar the second petitioner is concerned, he is stated to have threatened the victim in the year 2016 and that taking into consideration, the period of incarceration undergone by the second petitioner, this Court is inclined to grant bail to the second petitioner subject to the following conditions;

(a) Accordingly, the second petitioner is ordered to be released on bail on condition to execute a 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 learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District, and on further conditions that;

(b) 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;

(c) the second petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

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

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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];

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

-sd/-

09/10/2020

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,
THIRUTURAIPOONDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE JAILER
DISTRICT JAIL,
NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

+1 CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary charges SR.No.6750

CRL OP.16066/2020

Date :09/10/2020