

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.No.16798 of 2020

Om Sakthi @ Sathya

... Petitioner

Vs.

The State Rep. By
The Sub Inspector of Police
Sathanur Dam Police Station,
Crime No.1885 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.1885 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Jayachandran

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.09.2020 for the offence punishable under **Section 307 IPC subsequently altered into Sections 294(b) and 306 IPC in Crime No.1885 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Thayup is that his father had joined in an unregistered chit, run by the petitioner. Thereafter, due to Covid, his father was unable to pay the dues and thereby, on 16.09.2020, the petitioner along with one Regina had come to the house of the defacto complainant and pushed his mother outside and locked the house and taken away the key due to which, his father committed suicide by consuming poison.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. He would further submit that the victim committed suicide due to some other reason and in order to evade payment, a false complaint has been given against the petitioner and that the petitioner is not reason for the suicide. He would further submit that even as per the complaint, there is no allegation that the petitioner had abetted the suicide of the deceased and the only

allegation against the petitioner is that she along with one Regina closed the house of the victim and taken away the key. He would submit that the petitioner has been suffering incarceration from 18.09.2020 and that the petitioner is ready to abide by any stringent condition. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the deceased had taken chit from the petitioner and thereafter, he was unable to pay the dues due to Covid. Therefore, the petitioner along with one Regina gone to the house of the deceased and pushed the wife of the deceased outside and locked the door and taken away the key. Being humiliated by the act of the accused, the victim committed suicide.

5. Taking into consideration the above facts and circumstances of the case and the submissions made by the learned Counsels and also considering the period of incarceration suffered by the petitioner from 18.09.2020, 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 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, Chengam**, 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 petitioner on his release from prison, shall stay at Chennai and report before the Esplanade Police Station, daily at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police 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.

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

-sd/-
28/10/2020

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,
CHENGAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
SATHANUR DAM POLICE STATION.

5 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

6 THE OFFICER INCHARGE,
ESPLANADE POLICE STATION,
CHENNAI.

+1 CC to M/S.P.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.7076

CRL OP.16798/2020

Date :28/10/2020

TA-29/10/2020

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