

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17634 of 2020

Sourirajan

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
Thriuthuraipoondi,
Thiruvarur District.
(Crime No.2614 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2614 of 2020, on the file of the Inspector of Police, Thiruthuraipoondi, Thiruvarur District.

For Petitioner : 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 petitioner, who was 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 love affair with defacto complainant's daughter from the year 2009. While so, in the year 2016, the father of the 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 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 rat poison. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that this the second application for bail. He would submit that earlier bail application in Crl.OP.No.16066 of 2020 was dismissed by this Court in respect of this petitioner on 09.10.2020. He would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that even as per the FIR, there was a love affair between the victim and the petitioner from the year 2009. While so, during the year 2016, the petitioner got married and after coming to know about the marriage of the petitioner, the victim continued the relationship with the petitioner. Since there was some dispute between the victim and the petitioner, she committed suicide, whereas, the allegation is made as if the petitioner along with his father and brother abetted the victim to commit suicide. He would submit that the petitioner has been suffering incarceration from 22.09.2020 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner/A1 had love affair with the deceased and thereafter, married another women and thereby, cheated the deceased. Even after the marriage, the 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 the petitioner have threatened the deceased and thereby, she committed suicide.

5. Heard the learned counsel on both sides. Perused the entire materials on record.

6. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, 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 Judicial Magistrate, Thiruthuraipoondi, 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 report before the respondent police everyday 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.

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

-sd/-

10/11/2020

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 CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE JAILER
DISTRICT JAIL, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

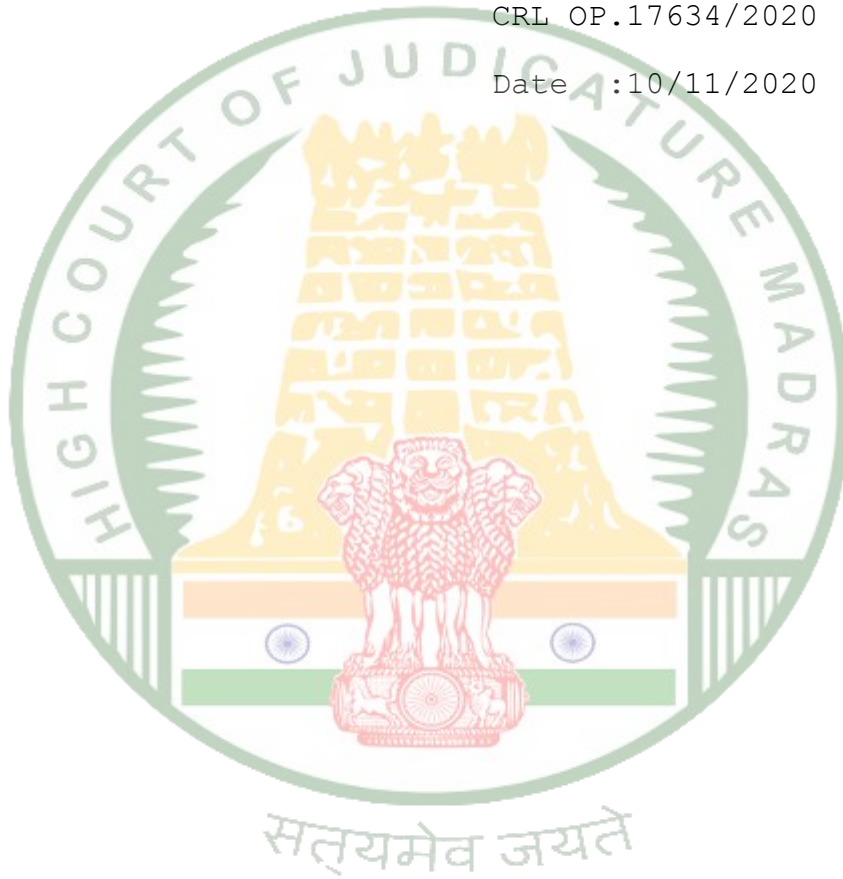
5 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

+1 CC to M/S. S.ARIVAZHAGAN Advocate on payment of necessary
charges SR.No.7456

CRL OP.17634/2020

Date :10/11/2020

cs 11/11/2020



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