

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2020

CORAM :

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

CRL.O.P.No.17380 of 2020

CHANDRASEKAR

... Petitioner

Vs.

State by the Inspector of Police,
Veraiyur Police Station,
Tiruvannamalai District.
(Crime No.2613 of 2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/A3 on bail pending investigation in Crime No.2613/2020 on the file of the respondent-police.

For Petitioner : M.Rebecca

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 09.10.2020 for the offences punishable under Section 174 Cr.P.C @ Section 306, 506(1) of IPC r/w Section 4B of Tamil Nadu Prohibition of harassment of Women Act, in Crime No.2613 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Indra is that her 3rd daughter, aged about 17 years, studying XII Std., used to deliver milk in the nearby farm and that the 1st accused, Sekar @ Sarangatharan used to tease and harass her daughter. While so, on 05.10.2020, while her daughter returned home after delivering milk, A1 / Sekar @ Sarangatharan, pulled her hands and harassed and teased her, due to which, on 06.10.2020, her daughter had committed suicide. Thereafter, on the same day of her suicide, the petitioner who is the brother of A1 / Sekar @ Sarangatharan and his brother in law viz. Radhakrishnan came to the house of the defacto complainant and threatened them saying that they should not give complaint against their brother viz. A1 / Sekar @ Sarangatharan. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner and the defacto complainant belong to the same village and that there was a love affair between the deceased and the petitioner's own brother Al / Sekar @ Sarangatharan. Since it was opposed by both the families, the victim had committed suicide. Whereas, a false complaint has been given as if the petitioner's brother had teased the victim and due to which she had committed suicide. The further allegation is that the petitioner along with other accused has threatened the defacto complainant not to give any complaint against his brother. He would further submit that even as per F.I.R. the major allegations are only against the 1st accused / Sekar @ Sarangatharan, who is his own brother and he has been arrested. He would further submit that the petitioner is in custody from 09.10.2020.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the brother of the petitioner had teased the daughter of the defacto complainant, due to which, she had committed suicide on 06.10.2020. He would further submit that investigation is pending.

5.Heard the learned Counsel on either side. Perused the F.I.R. and also the other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration of 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 No-I, Tiruvannamalai 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 Krishnagiri and report before the Krishnagiri Town Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.

(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/-
05/11/2020

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 NO. I,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VERAIYUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

6 THE OFFICER INCHARGE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

+1CC to M/S.M.REBECCA Advocate on payment of necessary
charges SR NO.7324

CRL OP.17380/2020

Date :05/11/2020

MK:06/11/2020



WEB COPY