

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Crl.O.P.No.18682 of 2020

Thiyagarajan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
T-12, Poonamallee Police Station,
Poonamallee.
(Crime No.928 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.928 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Damodaran

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

ORDER

This case has been heard through video conference

The petitioner who was arrested and remanded to judicial custody on 12.10.2020 for the offence punishable under Section 306 of IPC, in Crime No. 928 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased had love affair. The deceased's father lodged a complaint stating that the petitioner sent messages and threatened the deceased, thereby she committed suicide.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner and the deceased in this case were in love with each other for the past two years. The petitioner is studying 3rd year BCA in Sir Theagaraya College at Thandiarpur and the deceased was studying 2nd year B.Sc., Computer Science in Mahalakshmi College at Poonamallee. The petitioner and the deceased had come to know through a common friend and exchanged messages with each other, the

defacto complainant/father of the deceased came to know about this and opposed the same and the defacto complainant made arrangement for the marriage to third person, against which, she finally committed suicide by hanging at her home on 10.10.2020. He would further submit that the petitioner not knowing about the same, had sent text messages, since she had not picked up his calls and not responded to the messages. The petitioner was made as an accused and the petitioner is in judicial custody from 12.10.2020 and seeks bail for the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is a resident of Thandiarpur and the victim was a resident of Poonamallee. They don't know each other personally and they got introduced only through Instagram. The deceased initially responded to messages and thereafter the deceased wanted to move away from the contact of the petitioner and she informed to the petitioner not to disturb in any manner. The petitioner was persistent and the petitioner was continuously harassing the deceased by sending messages and further stated that if she moved from the relationship, and he would expose their relationship, make it public. Unable to bear the harassment, she committed suicide. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is a college student and the petitioner is in judicial custody from 12.10.2020 and it is not denied that the petitioner and the victim had love affair and were exchanging messages and talking with each other, the occurrence had taken place in the house of the deceased and immediate cause of the suicide is yet to be ascertained, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner is ordered to be released on bail and he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties before learned Judicial Magistrate-II, Poonamallee, Chennai.

(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 shall report before the respondent police as and when required for interrogation.

(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

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/-
30/11/2020

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.II, POONAMALLEE, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-12, POONAMALLEE POLICE STATION,
POONAMALLEE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S. A.DAMODARAN Advocate on payment of necessary charges SR.NO.7821

CRL OP.18682/2020

Date :30/11/2020

TA-02/12/2020