

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2020

CORAM :

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

CRL.O.P.No.19181 of 2020

SEKAR @ SARANGATHARAN

... Petitioner

Vs.

State by the Inspector of Police,
Veraiyur Police Station,
Tiruvannamalai District.
(Crime No.2613 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.2613 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Duraimurugan

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 09.10.2020 for the offences punishable under Section 174 Cr.P.C., @ Sections 306, 506(1) 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 petitioner used to tease and harass her daughter. While so, on 05.10.2020, while her daughter returned home after delivering milk, the petitioner 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, A2, who is the brother of the petitioner and his brother in law viz. Radhakrishnan came to the house of the de facto complainant and threatened them saying that they should not give complaint against the petitioner. 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 *de facto* complainant belong to the same village and that there was a love affair between the deceased and the petitioner. Since it was opposed by both the families, the victim had committed suicide. Whereas, a false complaint has been given as if the petitioner had teased the victim and due to which, she had committed suicide. 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 petitioner had teased the daughter of the *de facto* 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 learned 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/-
09/12/2020

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, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.M.DURAIMURUGAN Advocate on payment of necessary charges SR.No 8042

CRL OP.19181/2020

Date :09/12/2020

MN-10/12/2020