



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7873 of 2020

Kaviarasan

... Petitioner/Accused (Sole)

Vs

The State Rep. by
The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
Cr.No. 383 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.Ramalingam,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

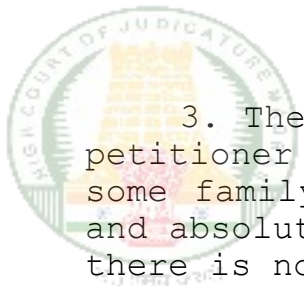
PRAYER :-

For Bail in Cr.No.383 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 09.07.2020 for the alleged offences under Sections 306 of IPC and Section 67 of Information Technology Act.

2. The case of the prosecution is that on 08.07.2020 at about 7.30 p.m the deceased is said to have committed suicide by hanging. It is further alleged that the petitioner was in love with the deceased, thereby he has sent SMS to the deceased frequently and also threatened the deceased that he will upload the photos of the deceased in the Face Book.



3. The learned counsel for the petitioner would submit that the petitioner herein is falsely implicated in the above case and due to some family dispute the deceased is said to have committed suicide and absolutely the petitioner has no role in the said occurrence and there is no allegation of abetment in the said incident.

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4. The learned Government Advocate(Crl.Side) would submit that both the petitioner and the deceased loved each other and the petitioner herein is repeatedly sending SMS to the deceased and also threatened her that the will upload the photos of the deceased in the Face Book and due to same the deceased committed suicide.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner is only said to have threatened the deceased that he will upload the photos in the social media and also the fact that the investigation is almost completed and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/08/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.I, SIVAGANGAI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
MADAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
SUB JAIL,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.

ORDER
IN
CRL OP(MD) No.7873 of 2020
Date :03/08/2020

AAV
TE/SKN/SAR-III : 03/08/2020 : 3P/6C