



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12502 of 2020

Varatharajan ... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Jambunathapuram Police Station,
Tiruchirappalli District
Ref.Crime No.527/2020. ... Respondent/Complainant

For Petitioner : M/s.D.Shanmugaraja Sethupathi,
Advocate.

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

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

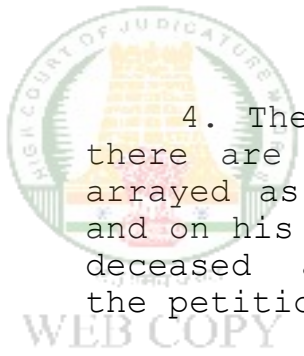
PRAYER :- For Bail in Crime No.527/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 13.10.2020 for the offences punishable under Section 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the first accused fell in love with the deceased aged about 15 years and the same was objected by the family members of the deceased. Since the second accused being the father of the first accused did not give proper advice to the first accused, due to which the deceased got humiliated and committed suicide by hanging on 22.09.2020.

3.The learned counsel for the petitioner would submit that the first accused fell in love with the victim girl aged about 15 years. Even according to the case of prosecution the petitioner only advised his son. Since the petitioner being the father of the first accused he has been falsely implicated in this case.



4. The learned Government Advocate(Crl.Side) would submit that there are two accused in this case and the petitioner herein is arrayed as A2. The petitioner herein supported the first accused and on his support the first accused developed love affair with the deceased and thereafter he properly advised his son. Therefore the petitioner also played a crucial role in the said occurrence.

5. It is seen that there are two accused in this case and the petitioner herein is arrayed as A2. The first accused is the son of the petitioner herein and he was in love with the deceased aged about 15 years. The petitioner being the father of the first accused failed to properly advise his son. Due to the torture given by the first accused the deceased has committed suicide by hanging herself. From the materials produced by the prosecution it is seen that the petitioner never abetted the crime or instigated the deceased to commit suicide by hanging herself.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Thuraiyur.

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/-

05/11/2020

/ TRUE COPY /

/ /2020

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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE,
THURAIYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE,
JAMBUNATHAPURAM POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB-JAIL, MUSIRI, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12502 of 2020
Date :05/11/2020

AAV
JM/PN/SAR IV/05.11.2020/3P/6C