

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1933 of 2021

1. Malar

2. Banumathi

... Petitioners

Vs.

The State Rep. by

The Inspector of Police,

Cheyar Police Station,

Tiruvannamalai District.

(Crime No.7 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.7 of 2021 pending investigation on the file of the Respondent.

For Petitioners : M/s. A.Saranraj

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 05.01.2021 for the offence punishable under Section 294(b) and 306 IPC in Crime No.7 of 2021, seeks bail.

2. Totally, there are 4 accused and the petitioners are A1 and A2. The case of the prosecution is that earlier, the deceased, Perumal, in an inebriated mood, abused the petitioners and their family members in filthy language, and hence, the petitioners and other accused persons said to have entered into the house of the deceased and abused him, due to the same, the deceased said to have committed suicide by consuming poison. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the offence. Since the deceased abused the petitioners and their family members in filthy language, they questioned the same and there is no abetment of causing suicide. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that since the petitioners along with other accused trespassed into the house of the deceased and abused him, due to which, he consumed poison and committed suicide. Hence, she

5. Considering the said facts and circumstances of the case and the fact that the deceased said to have abused the petitioners and others and only in retaliation, they have questioned the deceased and also considering the period of incarceration suffered by the petitioners, and also the fact that investigation is almost completed, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheyyar, Tiruvannamalai District, 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 petitioners shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

09/02/2021

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,
CHEYYAR, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
WOMEN CENTRAL PRISON, VELLORE

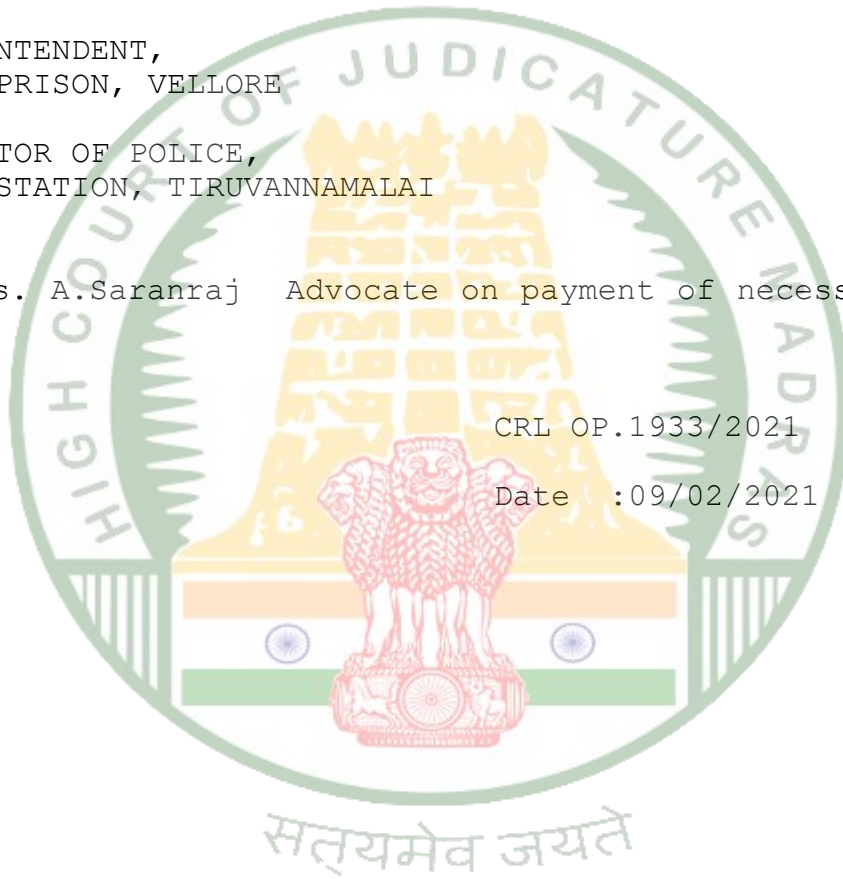
5 THE INSPECTOR OF POLICE,
CHEYAR POLICE STATION, TIRUVANNAMALAI
DISTRICT

CC to M/s. A.Saranraj Advocate on payment of necessary charges
SR.1346

CRL OP.1933/2021

Date :09/02/2021

RVR 09/02/2021



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