

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1658 of 2021

Muthukumaresan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Pallikaranai Police Station,
(Crime No.1481 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.1481 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Dr.S.Manoharan

For Respondent : Mr.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 05.12.2020 for the offence punishable under Section 306 IPC in Crime No.1481 of 2020 , seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the deceased was in love with the petitioner and they loved each other for the past 2 years, while so, he got married with someone else and hence, the deceased committed suicide by hanging. Hence, a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence. The petitioner is working in Army at Nasik. Even as per the First Information Report, the deceased was in love with one Mohan and he got married to someone, hence, she committed suicide. The petitioner is no way connected with the deceased and he has been falsely implicated in this case. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the said Mohan

and the petitioner are one and the same person and his name is Mohan @ Muthukumaresan. He and the deceased loved each other for the past two years, however, he deserted her and married to another lady, and he abetted the deceased to commit suicide. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and considering 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.II, Alandur, 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 shall report before the respondent police once in a week, i.e., on every Monday at 10.30 a.m., until further orders.

(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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/02/2021

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 NO.II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S. DR.S.MANOCHARAN Advocate on payment of necessary charges SR NO. 1243

सत्यमेव जयते

CRL OP.1658/2021

Date :08/02/2021

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