

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1922 of 2021

R. Arun Surendher

... Petitioner

Vs.

The State Rep. by
The Sub-Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
(Crime No.5 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.5 of 2021 pending investigation on the file of the Respondent.

For Petitioner : M/s. R. Selvakumar

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 05.01.2021 for the offence punishable under Section 306 IPC in Crime No.5 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that earlier the deceased was married 7 years back to one Prabhakaran and having one male child, thereafter, she was separated from her husband and living with her mother. In the said circumstances, the petitioner said to have developed intimacy with the deceased and there was quarrel between the petitioner and the deceased, in which, the petitioner abetted the deceased to commit suicide. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence. The mother of the deceased was working under the petitioner and due to previous enmity, 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 would submit that the petitioner had illegal intimacy with the deceased and on the date of occurrence, quarrel arose between the deceased and the petitioner, due to the same, she committed suicide. She would further submit that investigation in this case is almost completed. 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, and also the fact that investigation is almost completed, 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 Additional Mahila Court, 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 shall report before the respondent police daily 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 ADDITIONAL MAHILA COURT,
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. R.SELVAKUMAR Advocate on payment of necessary charges SR NO. 1247

CRL OP.1922/2021

Date :08/02/2021

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MN-09/02/2021