

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1999 of 2021

**(*)Arivazhagan Magi @ Arivazhagan
S/o.Mahendran**

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Ambur Town Police Station,
Ambur, Vellore Dt.
(Crime No.1996 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.1996 of 2020 on the file of respondent police.

For Petitioner : Mr.V.Veluchamy

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is the sole accused. The petitioner, who was arrested and remanded to judicial custody on 22.12.2020 for the offence punishable under Sections 294(b), 506 (i) and 306 of I.P.C. and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.1996 of 2020, seeks bail.

2. The case of the prosecution is that the deceased said to have borrowed money from the petitioner and when the petitioner asked her to repay the amount, there is a wordy quarrel, and he is said to have abused her in filthy language, due to which, she has committed suicide. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 22.12.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that he has only asked the deceased to return the money borrowed by her and subsequently, she has committed suicide for some other reasons. He would submit that he is an innocent person and he is no way connected

with the offence as alleged in the complaint. He would submit that he has been falsely implicated in the present case. He would submit that he was arrested on 22.12.2020 and he is in jail for nearly two months. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose this petition on the ground that only because of petitioner scolding her in filthy language, she has committed suicide. She would also submit that there is no previous case pending against the petitioner and the investigation is also completed. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that, due to a money dispute, the petitioner said to have scolded the deceased, there is no serious allegation of abetment against the petitioner, and also considering the period of incarceration suffered by the petitioner from 22.12.2020, 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 District Munsif cum Judicial Magistrate, Ambur 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, on his release from prison, shall report before the respondent police as and when required for interrogation;

(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/-
19/02/2021

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.

[*] Amended and Two weeks time is granted to the petitioner to comply with the conditional order passed by this Court, from the date on which the order copy made ready. Failing which, the petition for bail shall stand automatically dismissed. as per order of this Court dated 12/03/2021 made in CRL.MP.NO.2969 OF 2021. in CRL.O.P.NO.1999 OF 2021.

TO

1 THE ADDL.DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION,
AMBUR, VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.V.VELUCHAMY Advocate on payment of necessary charges

CRL OP.1999/2021

Date :19/02/2021

KSM 22/02/2021

TA-18/03/2021