

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3011 of 2021

K. Chinnaraj

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
Tiruvonnainallur Police Station,  
Villupuram District.  
(Crime No. 1676 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.1676 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. V.S.Senthilkumar

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 31.12.2020 for the offence punishable under Section 306 IPC in Crime No.1676 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution, as per the defacto complainant, is that the deceased and the petitioner loved each other, which was condemned by the brother of the deceased, and thereafter, she committed suicide by consuming poison. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner and the deceased loved each other, but the family members of the deceased opposing it. While the deceased and the petitioner were talking together, brother of the deceased attacked the petitioner as well as the deceased and scolded her and hence, she committed suicide. The petitioner 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 it is a case of love affair and there was some opposition from both the family and hence, she committed suicide. On instruction, she would submit that if the petitioner is released on bail there will be law and order problem in the area and in the event of granting bail, the petitioner may be directed to stay away from his residential place. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that even as per the First Information Report, only the brother of the deceased said to have condemned the deceased as well as the petitioner and also 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 Court No.II, Ulundurpet, 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 stay at Trichy and report before the Inspector of Police, Trichy Cantonment Police Station 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/-  
17/02/2021

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,  
ULUNDURPET.

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

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
TIRUVENNAINALLUR POLICE STATION,  
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, CAPPER HILLS,  
CUDDALORE.

6 THE INSECTOR OF POLICE,  
TRICHY CANTONMENT POLICE STATION,  
TRICHY.

+1 CC to M/S.V.S.SENTHILKUMAR Advocate on payment of necessary charges SR NO. 1757

CRL OP.3011/2021

Date :17/02/2021