

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3196 of 2021

1. Karthick
2. Rajinikanth

... Petitioners

Vs.

State rep by its  
The Inspector of Police,  
Mayiladuthurai Police Station,  
Nagapattinam District.  
Cr.No.191 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.191 of 2021 on the file of the respondent police.

For Petitioners : Mr. M.Marudhachalam

For Respondent : Mrs.M. Prabhavathi,  
APP

ORDER

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 31.01.2021 for the offence punishable under Sections 174 of Cr.P.C. @ 306 of IPC in Crime No.191 of 2021, seeks bail.

2. The case of the prosecution is that the petitioners and the deceased are neoghours. On 30.01.2021, the petitioners said to have abused the defacto complainant and the deceased, who is the daughter of the defacto complainant, in filthy language. Due to the same, the deceased said to have committed suicide. Based on the complaint, initially, a crime was registered under Section 174 of Cr.P.C., and thereafter, it was altered into 306 IPC.

3. The learned counsel for the petitioners would submit that the petitioners and the deceased are neighbours. There was quarrel between the parties due to civil dispute. Thereafter, due to some family dispute, the deceased said to have committed suicide and the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that since the petitioners abused the deceased in filthy language, the deceased committed suicide. Now, investigation is almost completed. Hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstance of the case, and the fact that there no serious allegation of abetment as against the petitioners and investigation is almost completed and also considering the period of incarceration suffered by the petitioners, 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-I, Mayiladuthurai, 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 daily at 10.30 a.m., until further orders.

(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/-

02/03/2021

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.I, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAGAPATTINAM [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
MAYILADUTHURAI POLICE STATION,  
NAGAPATTINAM DISTRICT.

+1 CC to M/S.M.MARUDHACHALAM Advocate on payment of necessary charges SR.No.2608

CRL OP.3196/2021

Date :02/03/2021

cs 03/03/2021