

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4208 of 2021

Govindaraj

... Petitioner

Vs.

State represented by
The Inspector of Police,
Tiruttani Police Station,
Tiruvallur District.
Cr.No.2809 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, in Cr.No.2809 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Sathyasai Eswari

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 16.12.2020 for the offence punishable under Section 306 of IPC in Crime No.2809 of 2020, seeks bail.

2. Totally, there are 3 accused and the petitioner is A3. The case of the prosecution is that A1 in this case has received a sum of Rs.15 lakhs from the deceased under the guise of getting job and thereafter, neither secured the job nor returned the money. The allegation against the petitioner is that A1 along with this petitioner has abused the deceased and also criminally intimidated him. Due to the same, he said to have committed suicide. Hence the complaint came to be registered.

3. The learned counsel for the petitioner would submit that even as per the First Information Report, A1 in this case has received money from the deceased and this petitioner has been falsely implicated in this case and he has not received any amount from the deceased. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 in this case has received money from the deceased on the promise of getting job and this petitioner, who is friend of A1, along with other accused scolded the deceased. Due

to which, he committed suicide. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and the specific allegation as against the petitioner is that he has only scolded the deceased and taking note of 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, Tiruthani, 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 appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, 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/-

04/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
TIRUTHANI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUTTANI POLICE STATION,
THIRUVALLUR DISTRICT.

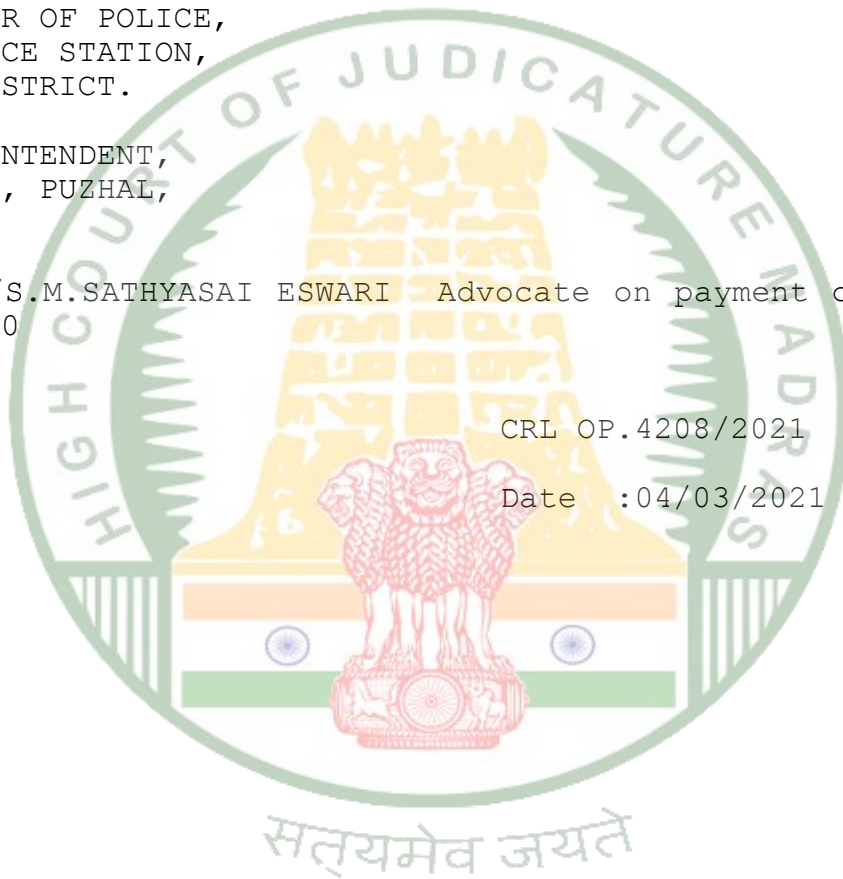
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S.M.SATHYASAI ESWARI Advocate on payment of necessary
charges Sr.2770

CRL OP.4208/2021

Date :04/03/2021

RVR 05/03/2021



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