

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4440 of 2021

V.T.Ravindra Naidu

... Petitioner

Vs.

State Rep. by

... Respondent

The Inspector of Police,
Tiruvallur Taluk Police Station,
Tiruvallur.
(Crime No.1687 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/Accused on bail in Crime No.1687 of 2020 on the file of the respondent.

For Petitioner : Mr.Pannerselvam

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 17.02.2021 for the offence punishable under Section 306 of IPC in Crime No.1687 of 2020, seeks bail.

2. Totally, there are two accused and the petitioner is A1. As per the First Information Report, the deceased was married to one Sakthi Kumar in the year 2019 and there was frequent quarrel between the deceased and her husband and she came back to her parental home. Even thereafter, the husband of the deceased harassing her by demanding money to discharge his loan. Hence, she committed suicide by hanging. In the said circumstances, initially, a crime has been registered under Section 174 Cr.P.C. Thereafter, during investigation, this petitioner, who is running an IAS Academy and his wife had been implicated in this case and he was arrested on 17.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that even as per the First Information Report, the main allegation is only as against the husband of the deceased. However, the petitioner

has been falsely implicated in this case and he has not abetted the deceased to commit suicide. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that this petitioner, who is a married man, has illicit intimacy with the deceased. Since the wife of the petitioner came to know about their relationship, she called the deceased over phone and threatened her. Hence, she committed suicide by hanging. Hence, she vehemently opposed to grant bail to the petitioner.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. From the perusal of the records, it could be seen that the defacto complainant is the father of the deceased. While filing the First Information Report, he made allegations against the husband of the deceased stating that since the husband of the deceased harassed her by demanding money, she committed suicide. Subsequently, the petitioner has been implicated in this case by stating that he was having illicit intimacy with the deceased and subsequently, both A1 and A2 threatened her and hence, she committed suicide.

7. Considering the facts and circumstances of the case, and the fact that there is no prima facie material available on record for abetment as against the petitioner and 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 No.I, Tiruvallur, 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 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/-
11/03/2021

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVALLUR TALUK POLICE STATION,
TIRUVALLUR.

5 THE OFFICER INCHARGE
SUB JAIL, THIRUVALLUR.

+1 CC to M/S.PANNERSELVAM Advocate on payment of necessary charges SR.NO.3183

CRL OP.4440/2021

Date :11/03/2021

TA-12/03/2021