



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4464 of 2021

Remitha Naidu

... Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to release the petitioner on anticipatory bail in the event of arrest in Crime No.1687 of 2020 on the file of the respondent.

For Petitioner : Mr.S.Pannerselvam

For Respondent : Mrs.S.Karthikeyan,
APP

ORDER

(The case has been heard through video conference)

The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 306 IPC, in Crime No. 1687 of 2020, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. Totally, there are two accused and the petitioner is A2. The case of the prosecution is that 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, after investigation, this petitioner and the husband of this petitioner/A1, who is running an IAS Academy, had been implicated in this case .

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 no role to play the abetment 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 the husband of the petitioner has illicit intimacy with the deceased. After came to know about their relationship, this petitioner 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 as 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 she has threatened the deceased after came to know about the illegal relationship between her husband and the deceased and hence, she committed suicide.

5. Considering the facts and circumstances of the case, and the fact that there is no material available on record for abetment as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

(a) the petitioner is ordered to be released on bail in the event of his arrest or his appearance before **the learned Judicial Magistrate No.I, Tiruvallur**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on further condition that:

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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.

+1 CC to M/S.S.PANNERSELVAM Advocate on payment of necessary charges SR.NO.3182

CRL OP.4464/2021

Date :11/03/2021