

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5212 of 2021

Pandiyar

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
Thiruvelangadu Police Station,
Thiruvallur District
(Crime No.65 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.65 of 2021 on the file of the respondent police.

For Petitioner : Mr. R.Sasikumar

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 20.02.2021 for the offence punishable under Section 306 of IPC in Crime No.65 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is arrayed as A3. He is the co-brother of A1. The case of the prosecution is that the deceased in this case, namely Jegadeesan, was in love with A1. Subsequently, the parents of the deceased arranged for marriage of the deceased with some other girl. In the said circumstances, A1 said to have insisted the deceased to marry her, and, on the date of occurrence, all the accused called the deceased to their house and compelled him to marry A1 and thereafter, he committed suicide. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is only the sister's husband of A1, and he is living

separately and he has nothing to do with the offence. He is in jail from 20.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that all the accused compelled the deceased to marry A1. Hence, he committed suicide.

5. From the perusal of the records, it could be seen that the deceased was in love with A1. Since the parents of the deceased arranged marriage of the deceased with another girl, all the petitioners said to have compelled the deceased to marry A1 and there is no serious allegation of abetment on the part of this petitioner.

6. Considering the facts and circumstances of the case, and the fact that there is no specific allegation of abetment as against 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, Thiruttani 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, on release from the prison, 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/-
16/03/2021

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,
THIRUTTANI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
SUB-JAIL, THIRUTTANI.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR.NO.3449.

सत्यमेव जयते CRL OP.5212/2021

Date :16/03/2021

EP-17/03/2021

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