

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5495 of 2021

Gokula Kannan

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Palladam Police Station,
Tiruppur District.
(Crime No.1426 of 2019)

... 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.1426 of 2019 on the file of the respondent police.

For Petitioner : Mr. P. Kalimuthu

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 08.02.2021 for the offence punishable under Sections 306 of IPC in Crime No.1426 of 2019, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner is a married man and having two children and the deceased is a college going girl. The petitioner said to have developed intimacy with the deceased. When she came to know that the petitioner is a married man, she stopped talking with the petitioner, and hence, the petitioner threatened her stating that he will upload the photographs, which was taken during their relationship and continuously tortured her by making phone calls, due to which, she attempted to commit suicide by hanging. Immediately, she was taken to the hospital and admitted there for 7 days and she died on 29.12.2020. Initially, a crime was registered under Section 174 of Cr.P.C. Thereafter, it was altered into 306 IPC and the petitioner was arrested on 08.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in

this case. Even in the First Information Report, Statements of the mother and other relatives, absolutely, there is no allegation as against this petitioner. Subsequently, only in the further statements, they have made allegations against the petitioner as if the deceased committed suicide only because of this petitioner. He is in jail from 08.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner is a married person and the deceased is a college going girl. The petitioner developed intimacy with the deceased. When the deceased came to know the fact that the petitioner is a married man, she stopped talking with him, therefore, he threatened her that he will upload the photographs of the deceased in the social media, due to which, she committed suicide. Now, investigation is almost completed.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. From the perusal of the First Information Report and other materials available on records, it could be seen that initially, there is no allegations as against the petitioner. Subsequently, the mother and other relatives, in their further statements have made allegations as against the petitioner stating that he has threatened the deceased, due to which, she committed suicide.

7. Considering the above said facts and circumstances of the case, and also the fact that investigation is almost completed 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, Palladam 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 daily at 10.30 a.m., until further orders;

(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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
23/03/2021

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,
PALLADAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.5495/2021

Date :23/03/2021