

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5809 of 2021

Sainsha

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.
(Crime No.54 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.54 of 2021 on the file of the respondent police.

For Petitioner : Mr. M. Jayachandran

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 02.03.2021 for the offence punishable under Sections 306 of IPC in Crime No.54 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the deceased, by name, Sathiya is a divorcee. The petitioner and the deceased become friends through online games and thereafter, she said to have developed love with the petitioner. It is alleged that the petitioner has promised to marry her. Subsequently, after coming to know that she was a divorcee, he refused to marry her. Thereafter, some mediation was conducted, which was also failed. In the said circumstances, the deceased committed suicide by consuming poison. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that both the petitioner and the deceased, become friends through online game. Subsequently, the deceased compelled the petitioner to marry her. After coming to know the fact that the deceased was a divorcee, the

petitioner was not inclined to marry her. Hence, she committed suicide. Absolutely, there is no allegation of abetment as against the petitioner. The petitioner is in jail from 02.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing would submit that earlier the petitioner promised to marry the deceased. subsequently, he refused and hence, out of frustration, she committed suicide. Now, investigation is almost completed.

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 deceased was a divorcee and the petitioner and the deceased developed friendship. Earlier, the petitioner was willing to marry the deceased, subsequently, after coming to know that she was a divorcee, he refused to marry her. In the said circumstances, she committed suicide. From the materials available, as of now, there is no prima facie material available to show that the petitioner has abetted the deceased to commit suicide.

7. Considering the above said facts and circumstances of the case, and 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 I, Krishnagiri, 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/-

24/03/2021

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-I,
KRISHNAGIRI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

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

CRL OP.5809/2021

Date :24/03/2021