



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6283 of 2021

WEB COPY

1. Vallarasu @ Meganathan
2. Ayyamuthu @ Nagarajun
3. Velu @ Gokulnath

... Petitioners

Vs.

State rep by
The Inspector of Police,
Namagiripet Police Station,
Namakkal District.
(Crime No.158 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.158 of 2021 on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners who were arrested on 09.02.2021 and remanded to judicial custody for the offences under Sections 174 of Cr.P.C. (Hanging) (Suspicious Death) altered to Section 306 of IPC in Cr.No.158 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners said to have sexually attacked the deceased. Due to which the deceased committed suicide by hanging. Based on the complaint given by the mother of the deceased the law enforcing agency registered the case against the petitioners.

3. The learned counsel for the petitioners submits that the first petitioner fell in love with the deceased, apart from that he has not committed any offence as alleged by the prosecution. He further submits that the second and third petitioners are friends of



the first petitioner, hence they were also implicated in this case and they were in judicial custody from 09.02.2021. He further submits that the defacto complainant and her family members abused the petitioners, hence the father of the first petitioner have also lodged a counter complaint in Cr.No.159 of 2021 against the defacto complaint and her family members.. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioners sexually attacked the deceased. Due to which the deceased said to have committed suicide by hanging. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that the father of the first petitioner have also lodged a complaint against the defacto complainant and also the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Rasipuram and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
15/04/2021

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NAMAGIRIPET POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges

CRL OP.6283/2021

Date :15/04/2021

cs 16/04/2021