

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.6735 of 2021

V.Sabarinathan

... Petitioner

Vs.

State by Rep by

... Respondent

The Inspector of Police,
Thirukovilur Police Station,
Kallakurichi.
(Crime No.125 of 2021)

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail in Crime No.125/2021 pending on the file of the respondent police.

For Petitioner : Mr.M.Karthik

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 14.02.2021 and remanded to judicial custody for the offences under 174 of Cr.P.C altered to 306 IPC in Cr.No.125 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased loved each other but the parents of the deceased did not accept the love affair of their daughter. Hence the deceased refused to marry the petitioner and agreed to marry another person. Due to which the petitioner threatened the deceased by showing the the photos which was taken by the petitioner with the deceased. Therefore, she committed suicide by consuming poison. Hence, the law enforcing agency registered the complaint against the petitioner.

3. The learned counsel for the petitioner submits that petitioner and the deceased are only friends and he has not committed any offence as alleged by the prosecution and the petitioner has been in jail from 14.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that at the instigation of the petitioner only, the deceased said to have committed suicide. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that no specific overt act has been attributed as against the petitioner 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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, Thirukovilur** 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioner 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.

-sd/-

15/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
THIRUKOVILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKOVILUR POLICE STATION,
KALLAKURUCHI.

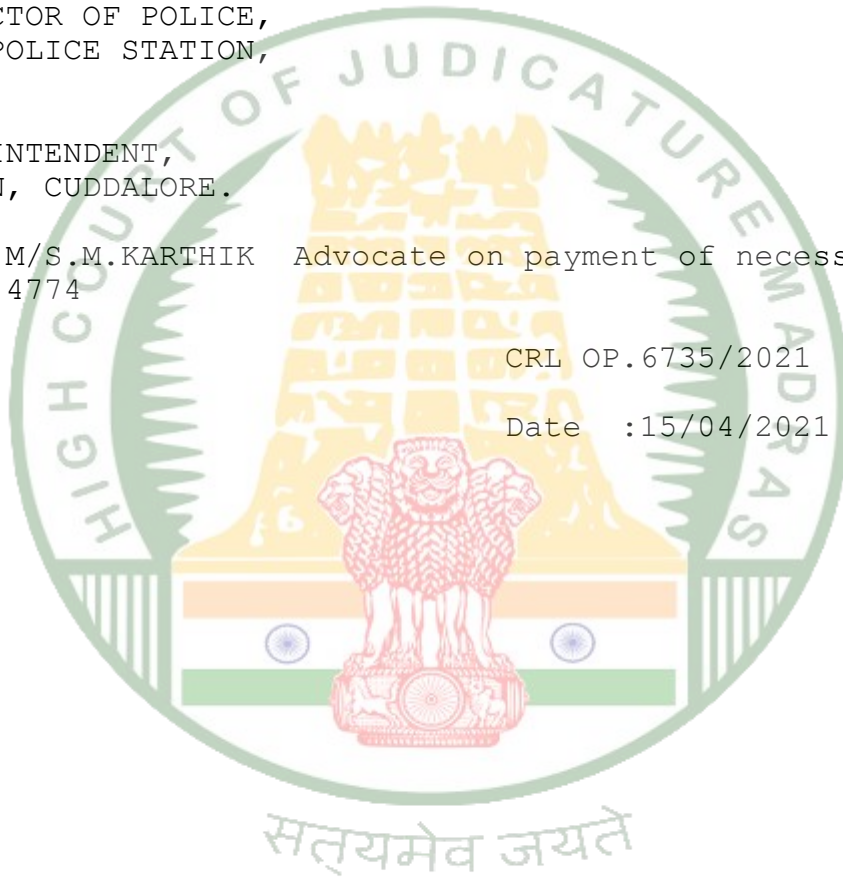
5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S.M.KARTHIK Advocate on payment of necessary
charges SR.NO.4774

CRL OP.6735/2021

Date :15/04/2021

TA-16/04/2021



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