



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8753 of 2021

D.Rajkumar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Thiruvalangadu Police Station,
Thiruvallur District.
(Crime No.77 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.77 of 2021 pending on the file of the respondent.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

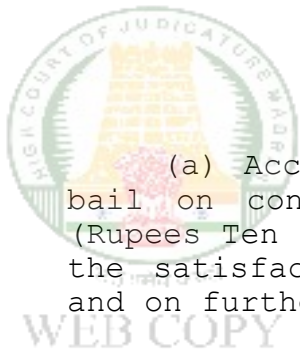
Heard the learned counsel on either side.

2. The petitioner is in custody since 05.03.2021 for the offence under Section 302 of IPC in Crime No.77 of 2021.

3. The case of the prosecution is that the petitioner was having illicit intimacy with the deceased, who was a married woman.

4. The learned Government Advocate (Crl. Side) would strongly urge that it is a case of poisoning and that the investigation is still pending.

5. From a reading of the FIR, one can only come to the conclusion that the needle of the suspicion points towards the petitioner. The petitioner's case is that the deceased committed suicide, due to depression by consuming poison. Though the investigation is pending, granting bail to the petitioner will not cause any prejudice to the prosecution. The petitioner gives an undertaking that he will not apply for modification or relaxation of the condition imposed by this Court. 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, Thiruthani, 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 his release from prison, shall report before the respondent police every day at 10.30.a.m for a period of eight(8) weeks;

(d) the petitioner shall not apply for any relaxation or modification of the condition imposed by this Court;

(c) the petitioner shall not commit any offences of similar nature;

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

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

(f) 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];

(g) 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/-

06/05/2021

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,
THIRUTHANI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIRUVALANGADU POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to R.SASIKUMAR Advocate on payment of necessary charges
Sr.5935

CRL OP.8753/2021

Date :06/05/2021

RVR 07/05/2021