

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.9621 of 2021

P.Manikandan

... Petitioner

Vs.

State rep by
The Inspector of Police,
Molasi Police Station,
Namakkal District..
(Crime No.163 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.163 of 2021 on the file of the Respondent.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.E.Raj thilak
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 06.05.2021 and remanded to judicial custody for the offences under Section 174 IPC @ 306 IPC, in Cr.No.163 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to love affair between the petitioner and the daughter of the defacto complainant, on 05.05.2021 at 04.30, the daughter of the complainant/deceased had committed suicide by hanging herself inside her house. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail more than 27 days. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the investigation is almost completed and the suicide note is available without signature. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Having regard to the nature of allegations and considering the fact that the accused is in custody and substantial investigation is over and also considering the fact that suicidal note is without any signature of the deceased, and it appears that the deceased wants to take revenge, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Sub Jail, Rasipuram, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate Court, Kumarapalayam, The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate Court, Kumarapalayam.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. The petitioner shall not interfere, influence or cause hindrance to the pending investigation.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(e) the petitioner shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

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

(g) 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;

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

-sd/-

01/06/2021

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,
KUMARAPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MOLASI POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, RASIPURAM

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

CRL OP.9621/2021

Date :01/06/2021

RVR 02/06/2021

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