IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11331 of 2021

M.Saravanan ... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Anakkavoor Police Station,
Thiruvannamalai District.
Cr.No.268/2021 ... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.268 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Punniyakoti

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested on 16.06.2021 and remanded to judicial custody for the offences under Sections 341, 506(i) and 306 of IPC read with Section 4 of TNPHW Act read with Section 67 of Information Technology Act 2008 in Cr.No.268 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused and the petitioner and the deceased girl loved each other. They planned to marry after completing their studies. In the meantime, the girl committed suicide. Hence, the petitioner was arrested by the law enforcing agency based on the complaint lodged by the defacto complainant.

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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 he further submits that the petitioner and the daughter of the defacto complainant loved each other and there was no intention for the petitioner to instigate the girl to commit suicide. Hence prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that investigation is almost completed.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, 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 Sub Jail, Polur, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/-(Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheyyar;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d)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;

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

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

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

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(h)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;

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

-sd/-
12/07/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, POLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ANAKKAVOOR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges SR.No.7278

CRL OP.11331/2021

Date :12/07/2021

cs 13/07/2021

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