



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12947 of 2021

1.Ilayabharathi
2.Ayyappan

... Petitioners

Vs.

State rep. by,
The Inspector of Police,
Kodavasal Police Station,
Tiruvarur District.
(Crime No.792 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail pending investigation in Crime No.792 of 2021 on the file of the respondent police.

For Petitioners : Mr.T.Muruganantham

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

ORDER

The petitioners who were arrested on 09.07.2021 for the offence under Sections 294(b), 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act subsequently altered into 306 of I.P.C. r/w. 4(B)(1) Tamil Nadu Prohibition of Harassment of Women Act in Crime No.792 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the defacto complainant's daughter went to the house of the first petitioner to greet his son. Thereafter the first petitioner and his wife noticed that a gold chain was missing and hence they suspected the defacto complainant's daughter. The second petitioner is the brother of the first petitioner and he also enquired about the chain to the defacto complainant's daughter. Hence, the defacto complainant's daughter ate rat poison, due to which she died.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) submitted that the investigation is pending and vehemently opposed for grant of bail.



5. Considering the period of incarceration, I am inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their 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, Nanillam 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. for a period of two weeks and thereafter as and when required for interrogation;

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
28/07/2021

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,
NANILLAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THIRUVARUR DISTRICT (FOR INFORMATION)



3 THE OFFICER INCHARGE,
SUB JAIL, NANILAM.

4 THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
TIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges

CRL OP.12947/2021

Date :28/07/2021

INBA 29/07/2021