

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20319 of 2020

S.Santhosh

... Petitioner

Vs.

State Rep. by Inspector of Police,
Mohanur Police Station,
Namakkal District,
(Crime No.946 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.946 of 2020 on the file of the Inspector of Police, Mohanur Police Station, Namakkal District, pending investigation.

For Petitioner : Mr.C.Vinodhkumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Section 174 Cr.P.C. Subsequently altered to Section 306 of IPC, in Crime No.946 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that, the deceased by name Harina fell in love with the petitioner. The petitioner and the said Harina used to contact through social media. As the petitioner suspects the fidelity of the deceased, she committed suicide by hanging. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner used to contact with the deceased through social media. Apart from that there is absolutely no connection between the petitioner and the deceased. He would further submit that the victim committed suicide for some other reason. He would further submit that he has been falsely implicated in this cases and no way connected with this crime. Therefore, he prays for anticipatory bail

4.The learned Additional Public Prosecutor on instructions would submit that since both the petitioner and the deceased loved each other, the petitioner suspects the fidelity of the victim girl. Due to the same, she committed suicide by hanging.

5.Considering the fact that only both the petitioner and the victim girl loved each other and as per the FIR, there is no serious allegation for 'abetment', this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Namakkal, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 for a period of two weeks and thereafter as and when required for interrogation.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/01/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S.G.VINODHKUMAR Advocate on payment of necessary
charges SR.No.181

CRL OP.20319/2020

Date :07/01/2021

cs 19/01/2021