

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.20708 of 2020

M.Guru

... Petitioner

Vs.

State by

The Inspector of Police,
Chengam Police Station, Chengam,
Thiruvannamalai District,
(Crime No.1850 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.1850 of 2020, pending investigation on the file of the Inspector of Police, Chengam Police Station, Chengam Taluk, Thiruvannamalai District.

For Petitioner : Mr.B.Leninbalu

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. and subsequently altered to Section 306 of IPC, in Crime No.1850 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the sole accused. The deceased Vijayalakshmi is the daughter of the complainant residing at Chengam who was married to one Suresh and it is stated that due to continuous teeth ache and headache, she committed suicide by setting fire on her. On that basis, the crime has been registered. Initially the FIR has been registered under Section 174 (3) of Cr.P.C. Thereafter, based on the statement given by the husband of the deceased saying that the deceased had illegal intimacy with the petitioner. Due to the same, she committed suicide. Subsequently, the crime was altered to Section 306 of IPC.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the said case. He would further submit that as per the FIR, absolutely there is no allegation against the petitioner and nearly after one month of the occurrence, due to ill-motive, the husband of the deceased lodged a complaint against the petitioner as if the

petitioner sexually assaulted to the deceased. Therefore, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor on instructions would submit that initially a complaint has been given by the deceased father. As per the said complaint, there is no allegation against the petitioner. Subsequently after the investigation, it reveals that the petitioner had illegal intimacy with the deceased. Due to the same, she committed suicide.

5. As per the original complaint lodged by the father of the deceased, there is no allegation against the petitioner and subsequently, after more than a month, based on the statement made by the husband of the deceased, the petitioner has been implicated in this case as if he made sexually assaulted to the deceased.

6. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner 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, Chengam, 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

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

TO

1 THE JUDICIAL MAGISTRATE,
CHENGAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
CHENGAM,
THIRUVANMALAI DISTRICT,

CC to M/S. B.LENINBALU Advocate on payment of necessary charges
Sr.380

CRL OP.20708/2020

Date :07/01/2021

RVR 20/01/2021

WEB COPY