



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21310 of 2021

KARTHICK @ MIDDLE ARON KARTHICK

... Petitioner

Vs.

State by
The Inspector of Police
T12-Poonamallee Police Station
Chennai
(Crime No.1306 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail concerned in Crime No.1306 of 2021 on the file of the Inspector of Police, T12-Poonamallee Police station, Chennai.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.09.2021 for the offences under Sections 174 Cr.P.C. @ Section 306 IPC in Crime No.1306 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the Village Administrative Officer. On 04.09.2021, he lodged a complaint stating that a decomposed dead body was found in the house of the deceased. Initially, the case was registered under 174 Cr.P.C. Later, on investigation, it was found that the deceased and the petitioner were in living together relationship. Thereafter, since the petitioner refused to marry her, the deceased committed suicide by hanging. Hence, the case was altered into Section 306 IPC.



3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The petitioner and the deceased are friends and the petitioner used to meet her at her residence and thereby, he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 70 days from 05.09.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the deceased and the petitioner were in living together relationship. Thereafter, the petitioner refused to marry her and thereby, the deceased committed suicide by hanging.

5. Considering the period of incarceration undergone by the petitioner and the fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate-II, Poonamallee, and on further conditions 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(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]; and;



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

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-sd/-
15/11/2021

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,
NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
T12, PONNAMALLEE POLICE STATION,
CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary
charges SR.NO.12760

CRL OP.21310/2021

Date :15/11/2021

JPA 16/11/2021