



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

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

Crl.O.P.No.23547 of 2021

K.Vivekananthan

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Sulur Police Station,
Coimbatore District.
(Crime No.959 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.959 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Mohamed Ismail

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

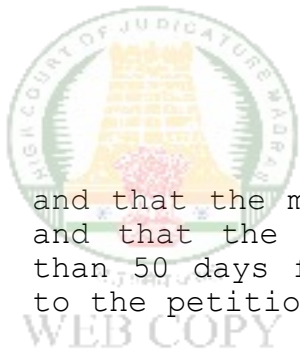
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 09.10.2021 for the offence under Section 306 of IPC, in Crime No.959 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the close relative of the victim. There are two accused in this case. The wife of the deceased is arrayed as A1 and the petitioner is arrayed as A2. The wife of the deceased had developed illegal relationship with the petitioner and thereby, the deceased committed suicide by hanging. Initially, the case was registered under Section 174 Cr.P.C. and subsequently, altered to Section 306 IPC.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. H would further submit that this is the 2nd application for bail and the earlier application was dismissed by this Court on 09.11.2021



and that the main accused/A1 has been granted bail by the lower Court and that the petitioner has been suffering incarceration for more than 50 days from 09.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection but admits that A1 has been released on bail and the investigation is almost completed.

5. Considering the fact that co-accused has been released on bail and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, 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 Court, Sulur, 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 on every Tuesday and Sunday at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation of 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.

WEB COPY

-sd/-
06/12/2021

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,
SULUR.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. A.MOHAMED ISMAIL Advocate on payment of necessary charges

CRL OP.23547/2021

Date :06/12/2021

JPA 07/12/2021