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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

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

Crl.O.P.No.24352 of 2021

Balaji

.. Petitioner

Vs.

State By,
The Inspector of Police,
Pachal Police Station,
Thiruvannamalai District,
Crime No.391 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.391 of 2021 pending investigation on the file of the Inspector of Police, Pachal Police Station, Thiruvannamalai District.

For Petitioner : Mr.S.Silambu Selvan

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 02.10.2021 for the offence under Section 174 Cr.P.C @ 306 of IPC, in Crime No.391 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.10.2021 at about 1.30 a.m., the de facto complainant received a call from his Co-brother stating that his wife expired and therefore, the case was initially registered under Section 174 Cr.P.C. Thereafter, during the course of investigation, it was found that the petitioner and the deceased had illicit relationship and that the petitioner forced her to have relationship with some other person and due to the torture made by the petitioner, the deceased committed suicide and hence the case was altered into Section 306 IPC.



3.The learned counsel for the petitioner would submit petitioner has not committed any offence as alleged by the prosecution and based on the complaint given by the husband of the deceased, he has been falsely implicated in this case and he would further submits that the petitioner has been suffering incarceration for more than 70 days from 02.10.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner is the sole accused. He had developed illegal intimacy with the deceased and he used to torture the deceased to have relationship with some other person and due to the mental stress, the deceased committed suicide. He would submit that that the investigation is almost completed.

5. Considering the facts and circumstances of the case 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, Chengam, 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 stay at Thanjavur and report before the Town Police Station 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/-
14/12/2021

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,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
PACHAL POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO:

THE INSPECTOR OF POLICE/STATION HOUSE OFFICER,
TOWN POLICE STATION,
THANJAVUR.

+1CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary charges SR.NO.14703

CRL OP.24352/2021

Date :14/12/2021

MK:14/12/2021