



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/05/2021

PRESENT

The Hon'ble Mr. Justice G.ILANGO VAN

CRL OP(MD). No.6936 of 2021

Rajendhiran

... Petitioner/1st Accused

Vs

State Rep. by
The Inspector of Police,
Vathalai Poice Station,
Trichy District.
Crime No.85 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Jeyakarthik.M.S, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For bail in Cr.No.85 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 23.04.2021 for the offences punishable under section 174 of Cr.P.C @ Section 306 of I.P.C., in Crime No.85 of 2021 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that the deceased was an auto driver. The accused entrusted his son Kabilan to the deceased for giving training. In the mean time, the son of the accused got in love with one girl and eloped with her. After knowing the said marriage, the petitioner was repeatedly teasing the deceased. Due to the continuous accusation, the petitioner committed suicide. Hence the complaint.

4.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



5. Heard the learned Additional Public Prosecutor appearing for the respondent police.

6. A mere reading of the FIR, it is seen that the question of abetment does not arise prima facie in this case. The learned counsel for the petitioner relied upon the various Judgments to this effect. The allegation made in the FIR does not make the case of abetment of suicide. Even though it is very unfortunate to state that suicide has been committed by the victim because of the teasing word that has been allegedly uttered by the petitioner and whether it would amount to abetment of suicide or not, it is a question of investigation and trial.

7. Considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

i) 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 Judicial Magistrate, Musiri.

ii) 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.

iii) The petitioner shall appear before the respondent police once in a week i.e. on every Monday at 10.30 a.m until further orders.

iv) The petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond either during investigation or trial.

vi) 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]**.

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

sd/-

20/05/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE, MUSIRI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
VATHALAI POICE STATION, TRICHY DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-3718[I] dated 21/05/2021)

ORDER
IN
CRL OP(MD) No.6936 of 2021
Date :20/05/2021

RMI/PKN
JM/JC/SAR IV/21.05.2021/3P/7C