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CRL OP(MD). No.19850 of 2021

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

Reserved on : 16.12.2021

Delivered on : 21.12.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19850 of 2021

R.Surendhiran ... Petitioner/Accused No.1
vs.

The State represented by
The Inspector of Police,
Jeeyapuram Police Station, Trichy District.
Crime No.518 of 2021. ... Respondent/Complainant

S.Velusamy ... Intervening Petitioner/ Defacto Complainant/
De-facto Complainant

For Petitioner : Mr.G.Mariappan, for
Mr.S.Ramsundarvijayraj, Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

For Intervenor : Mr.P.M.Vishnuvarthanan
Advocate

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

PRAYER :-For Bail in Crime No.518 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to
judicial custody on 24.10.2021 for the offences punishable under
Sections 307 IPC and Section 4 of TNPHW Act, 2002, in Crime No.518
of 2021, seeks bail.

2.The case of the prosecution is that the marriage of the
defacto complainant's daughter and the petitioner/A1 was solemnized
on 01.12.2013 and they were blessed with two children, that the
petitioner along with his wife has been running a computer based
Company, namely, Veteran Technology Solution at Trichy, that
Hon'ble Mr. Justice K. Murali Shankar and Fathimabeevi are working in the



petitioner's company, that the petitioner is said to have illicit affair with his staff Fathimabeevi, that when the same was questioned by the defacto complainant's daughter, the petitioner had neglected her and refused to snap his relationship with the said Fathimabeevi, that on 14.01.2021 at about 10.30 a.m., the defacto complainant's daughter is said to have made an attempt to commit suicide by hanging in the ceiling fan and she was taken to ABC Hospital and thereafter, to Apollo Hospital, that the victim has been taking treatment continuously, that on 01.09.2021, the petitioner's daughter is said to have informed the defacto complainant that the petitioner alone had attempted to kill her mother and that thereafter only, complaint was lodged and on that basis, FIR came to be registered for the offence punishable under Section 307 IPC r/w Section 4 of TNPHW Act.

3.The case of the petitioner is that he has been running a computer based technology company in Trichy for the past several years, that his wife has suspected that he is having illicit relationship with his staff Fathimabeevi and for which, the petitioner's wife is said to have attempted to commit suicide, that the petitioner alone has rescued her and taken to the Hospital, that the petitioner's wife has recovered and she is stable and that after the lapse of nine months, the defacto complainant having grudge over the petitioner had lodged a false complaint implicating the petitioner, his parents, relatives and the staffs of the Company.

4.The case of the intervenor/defacto complainant is that the petitioner/first accused is having illegal relationship with his staff Fathimabeevi, that on 14.01.2012 when the defacto complainant was away in Chennai, the first accused with the help of his staff Fathimabeevi and Raja and other accused attempted to take away the life of the defacto complainant's daughter by setting up a drama, as if she hanged herself in a ceiling fan and that she was taken to hospital by her neighbour and she is still under treatment.

5.It is the further case of the intervenor that his daughter was mentally and physically tortured/harassed by the petitioner along with the second accused Fathimabeevi with the aid of other accused, that the petitioner/first accused had already eloped with the second accused Fathimabeevi twice and the complaints lodged by the father of the Fathimabeevi would reveal that the accused 1 and 2 are in continuous relationship and that would be the cause and the reason behind the occurrence held on 14.01.2021.

6.The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused is having illegal intimacy with the second accused and due to which, there were disputes between the petitioner/first accused and his wife, that the petitioner/first accused had attempted to kill his wife by hanging from ceiling fan and that the defacto complainant's daughter, despite treatment is unable to speak normally and she is taking



7.The learned counsel for the petitioner would submit that after dismissal of the bail application of the petitioner, the third accused was arrested and is in judicial custody, that the second accused has been granted anticipatory bail by this Court and that the victim is now recovered fully.

8.The learned counsel for the intervenor/defacto complainant would also submit that the defacto complainant's daughter/victim is now undergoing speech therapy and she is not in the hospital as of now.

9.It is also not in dispute that this Court has already granted anticipatory bail to the parents, relatives and staff of the first accused in Crl.O.P.(MD)No.17042 of 2021 vide order dated 24.11.2021. It is also not in dispute that subsequent to the dismissal of the petitioner's bail application the second accused has been granted anticipatory bail by this Court in Crl.O.P.(MD) No.19274 of 2021 dated 09.12.2021.

10.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 24.10.2021, that the third accused was arrested and is in judicial custody and that the other accused were granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

11.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Trichy.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(iii)the petitioner shall not tamper with evidence or witness.

(iv)the petitioner shall not abscond during trial.

(v)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].



(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/12/2021

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21/12/2021
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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.P.M.VISHNUVARTHANAN, Advocate (SR-9577[I] dated 21/12/2021)

+1 CC to Mr.S.RAMSUNDARVIJAYARAJ, Advocate (SR-9578[I] dated 21/12/2021)

ORDER
IN
CRL OP(MD) No.19850 of 2021
Date :21/12/2021

csm
MK/PN/SAR.II/21.12.2021/4P/8C