



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.737 of 2022

M.Haridharan

.. Petitioner

Vs.

State Rep. by
The Inspector of Police
B3, Kancheepuram Taluk Police Station
Kancheepuram
Crime No.1545 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.1545 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.N.Poovanalingam

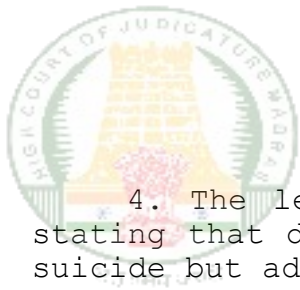
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

O R D E R

The petitioner who was arrested and remanded to judicial custody on 05.12.2021 for the offence under Section 306 IPC, in Crime No.1545 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner harassed the defacto complainant's daughter by sending messages to her through cell phone as well as in person. Unable to bear the harassment, the defacto complainant's daughter committed suicide. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that there was a love affair between the petitioner and the deceased and the petitioner is no way connected with the suicide committed by the deceased. In fact, the deceased has sent a lot of messages to the petitioner which itself would prove that there was a love affair between them and that the petitioner has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 35 days from 05.12.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that due to the act of the petitioner, the deceased committed suicide but admits that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and that 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.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Kancheepuram, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 5.00 p.m., until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

-sd/-

12/01/2022

WEB COPY

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- II,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
B3, KANCHEEPURAM TALUK POLICE STATION,
KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.N.POOVANALINGAM Advocate on payment of necessary charges SR.NO.589

CRL OP.737/2022

Date :12/01/2022

INBA-19/01/2022