



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Cr1.O.P.No.1597 of 2022

Ramesh

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
Paramathi Police Station,
Namakkal District.
(Crime No. 444 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. 444 of 2021 on the file of the Respondent Police.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 20.11.2021 for the offences under Section 174 of Cr.P.C., altered into Section 306 IPC, in Crime No.444 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the deceased who is the wife of the defacto complainant committed suicide by consuming poison. Initially, the case registered under Section 174 Cr.P.C. Thereafter, during the course of investigation, it was found that the petitioner was earlier having illegal intimacy with the deceased and when it came to the knowledge of the defacto complainant, she stopped the relationship with the petitioner. Even thereafter, the petitioner used to harass her to have physical contact with him as a result of which, she committed suicide by consuming poison.



3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the suicide committed by the deceased and he been falsely implicated in this case. He would further submit that this is the third application for bail and the earlier applications were dismissed by this Court in Crl.O.P.No.24596 of 2021 dated 16.12.2021 and Crl.O.P.No.26079 of 2021 dated 04.01.2022 and the petitioner has been suffering incarceration for more than 75 days from 20.11.2021. 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 had developed intimacy with the wife of the defacto complainant. Thereafter, when it came to the knowledge of the defacto complainant, he warned the deceased and subsequently, she stopped the relationship with the petitioner. Even thereafter, the petitioner used to harass the deceased/wife of the defacto complainant to have physical relationship with him due to which, she committed suicide but admits that the investigation is almost completed.

5.Considering the facts and circumstances of the case and the fact that the petitioner is the sole accused 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.

(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 Paramathi, 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 on every Monday, Wednesday and Saturday at 10.30 a.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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
25/01/2022

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,
PARAMATHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].



3 THE INSPECTOR OF POLICE
PARAMATHI POLICE STATION,
NAMAKKAL DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.1108

CRL OP.1597/2022

Date :25/01/2022

JPA 27/01/2022