



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4386 of 2022

Vijay

...Petitioner / Accused

versus

State rep. by
The Inspector of Police
Yercaud Police Station,
Salem District.
(Crime No.11 of 2022)

...Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.11 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.T.S.Sivakumar

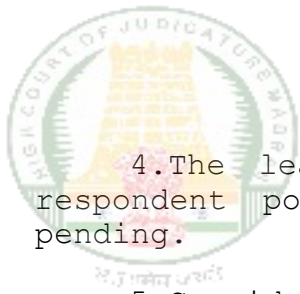
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.01.2022 for an offence punishable under Section 174 Cr.P.C. and subsequently altered into Section 306 of IPC in Crime No.11 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioner abused the deceased and due to which, she committed suicide by hanging. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, during the relevant point of time, the petitioner has not abetted the deceased for committing suicide. According to him, the petitioner is in judicial custody from 08.01.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offence punishable under Section 174 Cr.P.C altered into Section 306 of IPC. The investigation in this case reveals that the petitioner and the deceased are having illicit relationship and as a result of which, they indulged in sexual activities. In the meantime, there was a marriage proposal for the petitioner and the same was opposed by the deceased. Resultantly, the deceased committed suicide and thereafter, the present case has been registered against the petitioner. As of now, a portion of the investigation has been completed.

6. Therefore, taking note of all the above said aspects into consideration and also for the reason that there was no direct overt act as attributed against the petitioner and he is in incarceration from 08.01.2022 onwards, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute 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.V, Salem;

(b) 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;

(c) the petitioner is directed to appear before the Tirupur North Police Station daily at 10.00 a.m. until further orders;

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

(e) 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];



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

WEB COPY

-sd/-

22/02/2022

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,
NO.V, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 .THE INSPECTOR OF POLICE,
YERCAUD POLICE STATION,
SALEM DISTRICT.

4 THE INSPECTOR OF POLICE,
TIRUPUR NORTH POLICE STATION,
TIRUPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1CC to M/S. K.T.S.SIVAKUMAR Advocate on payment of necessary charges SR.No.2762

CRL OP.4386/2022

Date :22/02/2022

CSK 22/02/2022