



WEB COPY



CrI.OP.No.16504 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.16504 of 2022

1.P.Raja

2.R.Navaneedham

..Petitioners

Vs.

The State:- Rep. by
The Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
(Crime No.161 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioners on bail in Crime No.161 of 2022, on the
file of the respondent police.

For Petitioners : Mr.D.Jagadeesan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

For Intervenor : Mr.G.Vinodh Kumar

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 01.06.2022 for the offence under Section 306 of IPC in crime



CrI.OP.No.16504 of 2022

No.161 of 2022 on the file of the respondent police, seeks bail.

2. There are totally three accused in which the petitioners are arrayed as A2 & A3. They are the parent of A1. A1 fell in love with the minor girl and had physical relationship. In respect of the same, crime was registered and he faced criminal trial. However, it ended in acquittal. While pending Trial, he fell in love with the deceased and had physical relationship. After he got acquitted under the POCSO Act, the A1 along with his wife, cut the cake on his birthday in front of the deceased house and harassed the victim girl. It was also not questioned by the petitioners herein who are the father and mother of the A1.

3. The learned counsel appearing for the *de-facto* complainant/Intervenor submitted that as regards the petitioners are concerned, there are specific allegations that 1st petitioner herein attempted to misbehave with the deceased. The 2nd petitioner also along with A1 had beaten the victim. Thereafter, she got humiliated and committed suicide.



Crl.OP.No.16504 of 2022

WEB COPY

4. In fact, this Court dismissed the anticipatory bail petitions filed by the petitioners herein and thereafter, they were arrested and remanded to judicial custody on 01.06.2022 for the offences under Section 306 of IPC. However, according to the case of the prosecution, soon before that, the petitioners were not present in front of the deceased house. Now, A1 is absconding and as far as the petitioners are concerned, they were arrested and remanded to judicial custody on 01.06.2022.

5. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioners from the date of their arrest i.e. 01.06.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Court-I, Tirupattur, Tirupattur District** and on further conditions that:



Crl.OP.No.16504 of 2022

[a] 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

18.07.2022

mpl



WEB COPY



CrI.OP.No.16504 of 2022



WEB COPY



CrI.OP.No.16504 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate Court - I,
Tirupattur, Tirupattur District.
- 2.The Inspector of Police,
Jolarpet Police Station,
Tirupattur District.
- 3.The Central Prison for Men,
Vellore.
- 4.The Central Prison for Women,
Vellore, Vellore District.
- 5.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.16504 of 2022

18.07.2022