

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2022

CORAM

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

Cr1.OP.No.16971 of 2022

Krishna Gandhi @ Somu

...Petitioner

Vs.

State rep by its,
The Inspector of Police, (L & O),
K-9, Thiru.Vi.Ka.Nagar Police Station,
Chennai.
(Crime No.436 of 2022)

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.436 of 2022 on the file Inspector of Police, (L & O), K-9, Thiru.Vi.Ka.Nagar Police Station, and Chennai.

For Petitioner : Mr.M.Machavatharan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.05.2022 for the offences punishable under Sections 294 (b), 498(A), 354, 509, 506(i) & 306 r/w 511 of IPC @ 294(b), 498(A), 354, 509, 506(i) & 306 of IPC in crime No.436 of 2022 on the file of the respondent police, seeks bail.

2. The occurrence had taken place on 27.05.2022 at about 8.30 p.m. and the First information report was given on 28.05.2022 at about 00.30 hrs by the de-facto complainant, who is the elder brother of the petitioner and the Husband of the deceased.

3. The case of the prosecution is that there was a property partition dispute between the petitioner and the de-facto complainant. Regarding the same, the petitioner had used unparliamentary words to the de-facto complainant's wife/deceased. On 27.05.2022, when the petitioner had used filthy languages and criminally intimidated the de-facto complainant's wife, she poured kerosene on herself and committed suicide by self-immolation. Hence, the case.

4. Even according to the case of the prosecution, the petitioner scolded the deceased with filthy language and also threatened her with dire consequences.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 28.05.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 learned V Metropolitan Magistrate, Egmore, Chennai - 8 and on further conditions that:

[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 petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[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 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.

-sd/-
21/07/2022

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI-8

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE (L&O),
K-9, THIRU.VI.KA. NAGAR POLICE STATION,
CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZZHAL, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to Mr.M.Machavatharan Advocate on payment of necessary charges SR.NO.11930

CRL OP.16971/2022

Date :21/07/2022

JPA 21/07/2022