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Crl.OP.No.20286 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2022

CORAM

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

Crl.OP.No.20286 of 2022

1.S.Gopinath
2.D.Sridaran

...Petitioners

Vs.

State represented by
Inspector of Police,
Periyathachur, Villupuram District.
(Crime No.133 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail pending investigation in Crime
No. 133 of 2022 on the file of the Respondent Police, Periyathachur,
Villupuram District.

For Petitioners :Mr.S.Muthaiah

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

For Intervenor : Mr. J.Hariharan



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.08.2022 for the offences punishable under Sections **174 of Cr.P.C read with Section 294(b) and 306 of I.P.C** in crime No.133 of 2022 on the file of the respondent police, seek bail.

2. It is seen that the first petitioner is the husband of the deceased and the second petitioner is the father-in-law of the deceased. The case of the prosecution is that the deceased/daughter of the defacto complainant fell in love with the first accused and got married him. Due to which, there was a dispute between the first accused family and the family members of the deceased. Later, the daughter of the defacto complainant was missing. Hence, the complaint was registered under women missing case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely



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implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the deceased/daughter of the defacto complainant got love marriage with the first accused. Therefore, there was a dispute between the first accused family and the family members of the deceased and thereafter, the deceased was missing. In this regard, the deceased father has registered women missing complaint in Crime No.133 of 2022. Later, the respondent police came to know that the dead body of the deceased was found floating in an abandoned well in the village. Hence, he vehemently opposed to grant bail to the petitioners.

5. The learned counsel for the intervenor vehemently opposed for granting bail to the petitioner stating that the deceased committed suicide from a period of six days from the date of her marriage.

6. It is seen that the deceased/daughter of the defacto



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complainant got love marriage with the first accused, it was not accepted by her parents and therefore, there was a dispute between the first accused family and the family members of the deceased. That apart, the first accused harassed the victim and as such, the deceased has committed suicide by jumping herself into the abandoned well in the village.

7. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest, this Court is inclined to grant bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.II, Tindivanam** 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of six 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.

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G.K.ILANTHIRAIYAN, J.

Sma

To

1. Judicial Magistrate No.II,
Tindivanam.
2. Inspector of Police,
Periyathachur, Villupuram District.
3. District Jail,
Villupuram.
4. The Public Prosecutor,
High Court of Madras

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