



Crl.O.P.No.21567 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21567 of 2022

E.K.Madhumohan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-9, Valsarvakkam Police Station,
Chennai.

(Crime No.119/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.119 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.21567 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.08.2022 for the offences punishable under Sections 174 Cr.P.C @ 313 & 306 of IPC, in Crime No.119 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had a love affair with the victim girl, due to which, she become pregnant and thereafter, the petitioner refused to marry her, resulting in which, the victim girl committed suicide by hanging. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and the false allegation has been made as against him. He would further submit that the petitioner and the deceased belonging to the same community and there was a love affair between them for the past two years and since, it was opposed by the parents of the victim, she committed suicide by hanging. He would also submit that no suicide note has been left by the victim and he would also reiterate that



Crl.O.P.No.21567 of 2022

the false allegation has been made as against the petitioner. The learned counsel would further submit that the petitioner is in custody from 11.08.2022 and there is no specific allegation as against the petitioner, as if he has abetted the victim to commit suicide. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had a love affair with the victim girl and due to which, she become pregnant and thereafter, on coming to know that the victim girl was pregnant, the petitioner had refused to marry her and compelled to abort, due to which, the victim had committed suicide by hanging. He would further submit that initially the case has been registered for the offence under Section 174 of Cr.P.C and later, altered to one offence under Sections 313 & 306 of IPC and the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.



Crl.O.P.No.21567 of 2022

WEB COPY

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Poonthamallee**, 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 stay at Madurai and report before the Inspector of Police, Othakkadai Police Station, Madurai, everyday at 10.30 a.m., until further orders;

[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;



Crl.O.P.No.21567 of 2022

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

14.09.2022

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To

1. The Judicial Magistrate No.I,
Poonthamallee.
2. The Inspector of Police,
R-9, Valsarvakkam Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Othakkadai Police Station,
Madurai.
5. Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.21567 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.21567 of 2022

14.09.2022