



Crl.O.P.No.22367 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

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

Crl.O.P.No.22367 of 2022

M.Santhosh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-1, Chintadripet Police Station,
Chennai.
Crime No.192 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.192 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.07.2022 for the offences punishable under Section 174 of Cr.P.C., @ 302 of IPC, in Crime No.192 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl Manjula and the petitioner hail from the same village and the victim girl was in love affair with one Ayyappan and it was objected to by her parents, she had left her home and stayed in a house with the petitioner. The petitioner had proposed the victim and she had refused and due to the quarrel, the petitioner had assaulted her and due to which, she had died. Thereafter, the petitioner had left the house and had ran away. Based on the complaint given by the house owner one Bala Narayana Sha P H, a case was registered for the offences punishable under Section 174 of Cr.P.C., later during the course of investigation, it was altered to one under Section 302 of IPC.



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3. The learned counsel appearing for the petitioner would submit that it is the case of circumstantial evidence. He would also submit that the victim girl had left her home since, she had love affair with one Ayyappan and it was objected to by her parents. He would further submit that due to the pressure of her parents, she had committed suicide by hanging and that other than the statement alleged to have been recorded from the petitioner, there is no other material to implicate the petitioner in this case. He would also submit that the petitioner is in custody from 23.07.2022 and the major part of the investigation is over. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and the victim girl hail from the same village and she had come and stay in the house with the petitioner. He would also submit that the petitioner had committed the murder of the victim girl Manjula by strangulation, since she had refused to accept the proposal given by the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner and that the petitioner has been implicated only based on the confession statement from 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**, each for a like sum to the satisfaction of the **learned XIV Metropolitan Magistrate Court, Egmore, Chennai**, 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;



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.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;

[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.

19.09.2022

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To

1. The XIV Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
F-1, Chintadripet Police Station,
Chennai.
3. The Superintendent,
Central Prison-2,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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