



Crl.O.P.No.22406 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM

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

Crl.O.P.No.22406 of 2022

Ananth Raj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Wellington Police Station.
Coonoor,
The Nilgiris District.
(Crime No.5 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.5 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.Camyles Gandhi
for P.Saravana Sowmiyan
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.07.2022 for the alleged offence punishable under Section 174 IPC @ 302 IPC, in Crime No.5 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. The victim girl had been continuously sending whatsapp messages to the petitioner and that on one occasion, the petitioner had replied stating that go and die, 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. He would further submit that there was a love affair between petitioner and the victim and due to some misunderstanding, the petitioner did not speak to her, due to which, the victim girl repeatedly sent the whatsapp messages to which, the petitioner had sent a reply stating that go and die. He would also submit that there is no



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intention for the petitioner for abetting 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 relationship with the victim and on receiving frequent whatsapp messages from the victim girl, the petitioner had sent a reply stating that go and die, 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 Section 306 of IPC and the investigation is pending. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the petitioner being in custody from 26.072022, this Court is



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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 Judicial Magistrate, Coonoor**, 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 Mettupalayam and report before the Inspector of police, Mettupalayam Police Station, 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;

[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



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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.

16.09.2022

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To

1. The Judicial Magistrate,
Coonoor.
2. The Inspector of Police,
Wellington Police Station,
Coonoor,
The Nilgiris District.
3. The Prison,
Udhagamandalam.
4. The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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