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Crl.O.P.No.22796 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.O.P.No.22796 of 2022

S.Dharani Rajan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai 600 039.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.340
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Kanagaraj

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



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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 @ 306 IPC, in Crime No.340 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has developed a relationship with the victim women, who was married and being depressed by her act, she had committed suicide by hanging and she has left behind the suicide note stating that she had an affair with some body. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who was a colleague of the deceased and that there was a friendship between them and it was reprimanded by the victim's husband and being depressed by the same, she committed suicide. He further submitted that the petitioner had borrowed a sum of Rs.20,000/-



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from the victim and on account of the said transaction and some telephone contact, the case has been foisted as against the petitioner. He also submitted that 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 submitted that the petitioner was having a relationship with the victim, who was married and having two girl children and on being depressed by her act, the victim had committed suicide by hanging and also left the suicide note. He further submitted that the investigation is pending. Hence, he opposed to grant bail to the petitioner.

5. At this juncture, learned counsel for the petitioner submitted the petitioner is prepared to deposit a sum of Rs.20,000/-, which has been borrowed by him from the deceased, to the credit of crime number and he has no objection in the amount being disbursed in favour of the de-facto complainant/husband of the deceased.



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

7. Taking into consideration the facts of the case and the submissions made by the learned counsel that there is no allegation on the petitioner that he has abetted the victim to commit suicide and also taking note of the fact that there is no specific overt act as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 X Metropolitan Magistrate Court, Egmore, Chennai**, and on further conditions that:

[a] the petitioner shall deposit a sum of **Rs.20,000/- (Rupees Twenty thousand only)** to the **credit of Crime No.340 of 2022** and the learned Magistrate shall disburse it to the de-facto complainant on



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proper application. It is made clear that the deposit of amount will not amount to admission of guilt by the petitioner;

[b] 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;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;



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[g] If the accused thereafter abscond, a fresh
FIR can be registered under Section 229A IPC.

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To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai 600 039.
3. The Central Jail,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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