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Crl.O.P.No.23833 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

Crl.O.P.No.23833 of 2022

Vijay

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi District.

(Crime No.191 of 2022).

... 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.191
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Kannan

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 07.09.2022 for the alleged offences punishable under Sections 294(b), 305 of IPC r/w Section 4B(2) of TNWH Act in Crime No.191 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner/A1 had developed a love affair with the victim girl, aged about 17 years, whereas the other accused, who were the mother and relatives of the petitioner have abused the victim girl and have also questioned her chastity and abetted to commit suicide, due to 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 a false complaint has been lodged as against the petitioner and his family members. He would further submit that the petitioner had a love affair with the de-facto complainant's daughter, aged about 17 years and when it was known to the de-facto



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complainant, he reprimanded the victim girl and also assaulted her, due to which, she committed suicide by hanging, but it was projected, as if the petitioner and his family members have harassed the victim girl and a false complaint has been lodged. He would further submit that there is no specific overt act as against the petitioner and the petitioner is in custody from 07.09.2022. He would also submit that the co-accused in this case has been granted with anticipatory bail by this Court in Crl.O.P.No.19412 of 2022 dated 17.08.2022 and 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, whereas, the mother and relatives of the petitioner have abused the victim girl and have also questioned her chastity and abetted to commit suicide, due to which the victim girl committed suicide by hanging. Hence, he 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.



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6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no specific overt act as against the petitioner and the co-accused have been granted with anticipatory bail by this Court, 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 Judicial Magistrate No.II, Kallakurichi** 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 report before the respondent Police everyday at 10.30 a.m., until further orders;

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



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[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.

10.10.2022

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To

- 1.The Judicial Magistrate No.II, Kallakurichi.
- 2.The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi District.
3. The Sub Jail, Kallakurichi.
4. The Public Prosecutor,
High Court of Madras.



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