



Crl.O.P.No.24016 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.24016 of 2022

Perumal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Poonamallee Police Station,
(Crime No.94 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.94 of 2020, on the file
of the respondent Police.

For Petitioner : Mr.K.S.Karthik Raja

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 17.09.2022, for the offences punishable under Section 306 of IPC, in Crime No.94 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Bhakkiyam is that her daughter Saraswathi was given a marriage to one Theradimuthu on 14.02.2020, 6 years prior to that, her daughter was working in a finance company and during that time, the daughter of the defacto complainant and owner of the finance company were moving close to each other. As it was objected to by her, her daughter had consumed pesticides. Subsequently, her daughter was given marriage to one Theradimuthu on 14.02.2020 and thereafter, she had settled her daughter at Sennerkuppam and returned to her native place. At that time, her daughter/victim had informed that her erstwhile owner was harassing and compelling her to leave her husband and come along with him else release her private photos in the social media and thereby on 25.05.2020 , the victim committed suicide by hanging. Hence the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that admittedly, even as per the defacto complainant, there was an affair between the petitioner and the daughter of the defacto complainant. It was admitted by the defacto complainant that the victim had earlier attempted to commit suicide by consuming pesticides and the petitioner is the person who has saved her and admitted her in the hospital. He would further submit that due to dispute in the family, the defacto complainant has refused to give the victim in marriage to the petitioner and against her wish, she had given the victim in marriage to one Theradimuthu. The victim, who was not happy with the marriage, had committed suicide by hanging and now the defacto complainant has blamed the petitioner. He would submit that the petitioner is in custody from 17.09.2022 and the respondent has not taken police custody of the petitioner and major part of the investigation is already over. He would also submit that the further custody of the petitioner may not be required. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner earlier had affair with the daughter of the complainant, subsequently, the daughter of the defacto complainant got married to Theradimuthu on 14.02.2020. He would also submit that the petitioner had harassed and compelled her to leave her husband and come along with him else threatened to release her private photos in the social media, due to which, the victim has committed suicide. He would further submit that the investigation is still pending. Therefore, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the case has been registered during the year 2020 and the petitioner was arrested on 17.09.2022, the respondent have not taken the



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Police custody of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Poonamallee** 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, daily at 10.30 a.m and 5.30 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



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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.

11.10.2022

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To

1. The Judicial Magistrate No.II, Poonamallee.
2. The Inspector of Police,
Poonamallee Police Station,
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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