



Crl.OP.No.24322 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.24322 of 2022

J.Sudhesh

... Petitioner

Vs.

State Represented by
The Inspector of Police,
T-3, Pallavaram Police Station,
Tambaram District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.697 of 2022 on the file
of the Respondent Police pending investigation.

For Petitioner : Mr.M.Prabakaran

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 29.08.2022 for the offence punishable under Section 306 of IPC in Crime No.697 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that Defacto Complainant's younger daughter one Kiruthika had committed suicide by hanging inside her room. On suspecting the death of the Deceased, the Defacto Complainant had lodged a complaint before the Respondent Police. Initially the case was registered for the offence under Section 174 of Cr.P.C. Thereafter, on search, the Respondent Police had found a Suicide Note from the Deceased room. In that Suicide Note, the Petitioner had abetted the Deceased to commit suicide. Hence, the case has been altered to Section 306 of IPC.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent and he had nothing to do with the alleged offence as stated by the Prosecution. He would submit that there is no previous case pending against the Petitioner. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Additional Public Prosecutor appearing for the



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Respondent would submit that the Petitioner had a love affair with the Deceased. When the Deceased approached the Petitioner to marry her, the Petitioner had refused to marry her, due to which, the Deceased had committed suicide by hanging. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard learned counsel for the Petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Taking into consideration of the submission of the learned Counsel for the Petitioner and the objection made by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the Petitioner.

7. Accordingly, the Petitioner is ordered to be released on bail on executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the, **learned Judicial Magistrate No.II, Tambaram**. Further, one of the sureties shall be



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a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate No.II, Tambaram shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police Station daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial



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Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

shk/sma

To

1. The learned Judicial Magistrate No.II,
Tambaram.
- 2.The Inspector of Police,
T-3, Pallavaram Police Station,
Tambaram District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

SATHI KUMAR SUKUMARA KURUP,J.



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