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Crl.OP.No.24334 of 2022

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.24334 of 2022

Jothiswaran

...Petitioner

Vs.

State represented by
The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.
(Crime No.366 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail in Crime No.366 of 2022 on the file of the Inspector of Police, Thiruvallur Town Police Station, Thiruvallur District.

For Petitioner :Mr.P.Chandra Sekar

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 31.08.2022 for the offences punishable under **Section 174 of Cr.P.C @ 306 IPC** in Crime No.366 of 2022 on the file of the respondent police, seek bail.

2. The Case of the Prosecution is that, the Defacto-Complainant's wife had illegal intimacy with the petitioner, due to which, she eloped with the petitioner already two times and returned and for the third time, she again went along with A1 to Pondicherry, which was informed by A2 to the Defacto Complainant. Thereafter, on 26.08.2022, due to depression, she committed suicide and lost her life. Hence, the Case.

3. The Learned Counsel for the Petitioner submitted that the Petitioner is an innocent person and that he did not commit any offence as alleged by the prosecution. Hence, he prays for grant of bail to the Petitioner.



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4. The learned Additional Public Prosecutor vehemently opposed for granting bail stating that only since the petitioner/A1 abused and cheated the deceased and A2 insisted for illicit relationship, the deceased had committed suicide.

5. Considering the submissions made by the Learned Counsel for the Petitioner and the objections made by the Learned Additional Public Prosecutor, this Court is inclined to grant bail to the Petitioner with the following conditions.

6. 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 for a like sum to the satisfaction of the **Learned Judicial Magistrate I, Thiruvallur** Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate I, Thiruvallur 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.



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(b) the Petitioner shall report before the Respondent Police 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 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.

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Sma/Shk



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To

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1. Judicial Magistrate I,
Thiruvallur.
2. The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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SATHI KUMAR SUKUMARA KURUP., J.

Sma/Shk

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