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Crl.O.P.No.24703 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

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

Crl.OP.No.24703 of 2022

Raja

... Petitioner

Vs.

State rep by:

The Inspector of Police (L & O),
D-1, Triplicane Police Station,
Chennai 600 005.

Crime No.561/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail pending investigation in
Crime No.561/2022 on the file of the respondent Police.

For Petitioner : Mr.G.Krishnamurthy

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



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ORDER

The petitioner, who was arrested on 07.09.2022 and remanded to judicial custody on 08.09.2022 for the offences punishable under Section 174(3) Cr.P.C @ Section 306 of IPC, in Crime No.561 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, who is the Receptionist of the lodging house named White House Residency, is that a couple were found dead in their room. Based on his complaint, initially, a case has been registered for the offence under Section 174(3) of Cr.P.C., and later, during the course of the investigation, it came to light that the petitioner along with the other accused, who were the colleague of the female victim, had threatened her and abused her, due to which, the victim girl had committed suicide along with her boy friend. Hence the case.

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, since he happens to be the friend of the other accused. He would



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further submit that the even in the suicide note left by the deceased, the allegation is made against one Dharma @ Dharmendra and Nithishkumar, who have stated to have harassed the deceased girl and other than that, there is no specific allegation as against the petitioner, as if he has abetted the victims to commit suicide and no overt act has been attributed as against the petitioner. He would further submit that the petitioner is in custody from 07.09.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other two accused, who were the colleagues of the deceased girl at a hotel in chennai, have harassed the victim girl, due to which, the victim girl had committed suicide along with her boy friend and she had also left a suicide note in Bengali. He would also submit that as per the suicide note, the main allegation is only against the other two accused. However, he opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the suicide note of the deceased.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also considering the fact that there is no specific overt act as against this 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate Court, Chennai**, 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;



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[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;

[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.

12.10.2022

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To

1. The XVI Metropolitan Magistrate Court,
Chennai.
2. The Inspector of Police (L & O),
D-1, Triplicane Police Station,
Chennai 600 005.
3. The Central Prison II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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