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Crl.O.P.No.25815 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25815 of 2022

Nithish Kumar

... 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 pending investigation in Crime
No.561/2022 on the file of the D-1, Triplicane Police Station.

For Petitioner : Ms.M.A.Praveena

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 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. She would also submit that the victims are from West Bengal and



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that they have eloped from their houses and since, it came to the knowledge of their parents that the victims have committed suicide in a lodge, only thereafter the respondent police seems to have taken suicide note from the place. She would also submit that even reading of the suicide does not specifically say that the petitioner abetted the victims to commit suicide. She would further submit that at the most, the allegation against the petitioner will make out a case for the offence punishable under Section 4 of the Harassment of Women Act and there is nothing on record to show that the petitioner abetted the victims to commit suicide. She would also state that the petitioner is in custody from 08.09.2022 and the co-accused in this case has been granted bail by this Court in Crl.O.P.No.24703 of 2022 on 12.10.2022. Therefore, she 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 other two accused, who are the colleagues of the deceased girl at a hotel in Chennai have harassed the victim girl, due to which the victim committed suicide along with her boy friend in a lodging house and in the suicide note, the allegations are made against the petitioner and yet another colleague, who were stated to



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have harassed her during her employment. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner and also the fact that the co-accused has been granted bail by this Court in Crl.O.P.No.24703 of 2022 on 12.10.2022, 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, out of which, one surety should be a blood related surety**, 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



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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., until further orders;

[c] the petitioner shall also furnish proof of permanent residence at the time of execution of sureties;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]**;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

20.10.2022

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To

1. The learned XVI Metropolitan Magistrate, 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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