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Crl.O.P.No.27025 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

Crl.O.P.No.27025 of 2022

Theenathayalan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur Taluk & District.

(Crime No.409 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.409
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Veerasekaran

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



Crl.O.P.No.27025 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.10.2022 for the alleged offences punishable under Sections 174 Cr.P.C., @ 306 of IPC, 12, 11(4) Protection of Children from Sexual Offences Act, 2012, in Crime No.409 of 2022 on the file of the respondent Police, seeks bail.

2. On the complaint given by one Maheswari that on 04.10.2022, her elder daughter minor XXXX , aged about 15 years, was found dead by hanging inside the house, a case in Crime No.409 of 2022 was registered under Section 174 Cr.P.C and later during course of investigation, it was found that the petitioner, who belongs to the same village, harassed and humiliated her, due to which, the victim had committed suicide by hanging, thereby, the offence has been altered to one under Sections 306 of IPC, 12, 11(4) Protection of Children from Sexual Offences Act, 2012.

3. The learned counsel appearing for the petitioner would submit that the petitioner, aged about 18 years, who is a Diploma holder, is an



Crl.O.P.No.27025 of 2022

innocent person and a false complaint has been given against him. He would further submit that the petitioner's sister was conducting tuition classes to the victim and the petitioner was friendly with the victim, whereas the mother of the victim, suspecting that there was a relationship more than a friendship between them, had reprimanded the victim girl, due to which, she had committed suicide by hanging and now in order to blame the petitioner, a false complaint has been lodged against him, as if he has harassed the victim girl. He would also state that the major part of the investigation is over and the petitioner was arrested on 05.10.2022 and he is in custody for more than a month and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the person from the same village of the victim girl, had harassed the victim girl and compelled her to love him, due to which, she had committed suicide by hanging. He would also state that the investigation is still pending and there is no previous case as against the petitioner. However, he would oppose for grant of bail to the petitioner.



Crl.O.P.No.27025 of 2022

WEB COPY

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruvarur** 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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CrI.O.P.No.27025 of 2022

[b] the petitioner shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, everyday at 10.30 a.m., until further orders. However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, 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.

11.11.2022

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Crl.O.P.No.27025 of 2022

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To

1. The Judicial Magistrate,
Tiruvarur District.
2. The Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur Taluk & District.
3. The Sub Jail,
Nagapattinam.
4. The Inspector of Police,
Cantonment Police Station,
Trichy.
5. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.27025 of 2022

A.D.JAGADISH CHANDIRA.,J.

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CrI.O.P.No.27025 of 2022

11.11.2022