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CrI.O.P.No.28488 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

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

CrI.O.P.No.28488 of 2022

Vinith

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T6 - Avadi Police Station,
Chennai.

(Crime No.792/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.792
of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.Sasikumar

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



CrI.O.P.No.28488 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.10.2022 for the offences under Section 174 Cr.P.C @ 306 IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Gunasekaran is that his wife/victim was working as a house keeping in a hospital and that she was found missing from 25.07.2022. While so, one Aishwarya, daughter of A1 had informed the *de-facto* complainant that his wife was in Paruthipattu and when he had gone there, he found that his wife has consumed Harpic and on enquiry, the victim stated that she was assaulted by one Ramana and his family members, due to which she consumed Harpic. Later, without responding to the treatment, the victim had died on 27.10.2022. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the son of one Ramana, who is arrayed as A1 in this case. He further submitted that A1 and the victim were working in the same hospital,



Crl.O.P.No.28488 of 2022

during such time, A1 had developed an illegal intimacy with the victim and both of them have eloped from their home and after three months when they returned home, the *de-facto* complainant had humiliated the victim since she has eloped with some one else and due to the humiliation, the victim had attempted to commit suicide by consuming Harphic and later died in the hospital. He further submitted that only in order to put blame on the petitioner and his family, since the wife of the *de-facto* complainant has eloped with the father of the petitioner, the *de-facto* complainant has lodged a false complaint against them. He also stated that there is no material to show the petitioner and his family have assaulted the deceased and he reiterated that the victim has committed suicide, only on account of feeling guilty. He further stated that the petitioner is in custody from 28.10.2022, hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the wife of the *de-facto* complainant has eloped with the father of the petitioner and thereafter, when they had returned after three months, the petitioner along with family members have abused the victim in a filthy language and assaulted her, due to which, she



Crl.O.P.No.28488 of 2022

had committed suicide by consuming Harpic. He further submitted that the investigation is pending, hence, he opposed to grant bail to the petitioner.

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 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 No.II, Poonamallee**, 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



Crl.O.P.No.28488 of 2022

Bank pass Book to ensure their identity;

[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.

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Crl.O.P.No.28488 of 2022

To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Inspector of Police,
T6 - Avadi Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.28488 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.28488 of 2022

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