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Crl.O.P.No.29622 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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

Crl.O.P.No.29622 of 2022

Vasanth

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Jalakandapuram Police Station,
Salem District.

(Crime No.274 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.274 of 2022 on the file of the respondent Police.

For Petitioner : Mr.L.Mouli

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 01.11.2022, for the offence punishable under Sections 306 IPC, in Crime No.274 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had love affair with the de-facto complainant's daughter/victim for the past three years and he had promised to marry her. Subsequently, she came to know that without the knowledge of the victim, the marriage arrangements has been made by the petitioner to marry some other girl, due to which, the victim has committed suicide by jumping into the well. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner and the de-facto complainant's daughter were friends and there is nothing more than that, whereas, the victim presumed that the petitioner was having love affair with her. He further stated that since because of her presumption, she committed suicide, when the petitioner has made marriage arrangements for himself with some



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one else. He also stated that there is no material to show that the petitioner has abetted the victim to commit suicide and only on suspicion and due to agitation made by some of the relatives of the deceased girl, the petitioner has been roped-in in this case. He also submitted that the petitioner is in custody from 01.11.2022, hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner was having love affair with the de-facto complainant's daughter for the past three years and he had also promised to marry her. He further submitted that later, the petitioner, on concealing the fact of love with the victim, had arranged the marriage with some other girl. thereby, the victim had committed suicide by jumping into the well. He also stated that till now, tension prevails in the village, hence, he oppose for grant of bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel 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.2, Attur**, 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;

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, E1, Mylapore Police Station, everyday at 10.30 a.m., until further orders;

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



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[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.

01.12.2022

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To

1. The Judicial Magistrate No.2, Attur.
2. The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
3. The Central Prison, Salem.
4. The Inspector of Police,
E-1, Mylapore Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA., J.

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