

Crl. O.P.No.1203 of 2023**A.A. NAKKIRAN, J.**

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The petitioner herein who was arrested and remanded to Judicial custody on 15.12.2022 by the respondent police for the alleged offence under Section 174 of Cr.P.C., altered to Section 306 of IPC in Crime No.294 of 2022 seeks bail.

2. The case of the prosecution is that the petitioner/accused had love affair with the victim girl. On false promise, the petitioner sexually abused the victim girl and cheated her, due to which she committed suicide. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offences. The victim girl fell in love with the petitioner and on the day of alleged occurrence, the victim girl died on her own consuming poison. Only on the basis of suspicion, the respondent police has arrested the petitioner. He further submitted that this is the 2nd bail petition since earlier bail petition in Crl. O.P.No.32538 of 2022 was dismissed on 28.12.2022 and the petitioner



being aged about 19 years is suffering incarceration from 15.12.2022 ie more than 45 days. Hence, he seeks bail to the petitioner herein.

4. Per contra, the learned counsel for Intervenor filing Crl. M.P. No.1210 of 2023, would submit that based on the death of the defacto-complainant's daughter, Krishnagiri Police have registered FIR in Crime No.294 of 2022 under Section 174 Cr.P.C. without proper investigation and after unlocking his daughter's Cell phone, he and his family came to know the real reason for his daughter's death. The petitioner herein sent many messages and obscenity videos through whatsapp to his daughter's cell phone and he cheated daughter of the defacto complainant by saying sweet coated words and forced her to intercourse with him. On 17.10.2022, while the daughter of the defacto complainant asked the petitioner's illegal affair with some other girls, the petitioner said that he had fell on love with her is only for satisfying his lust and also scolded her in filthy language to the limit of forcing her to commit suicide. Hence, the defacto complainant sent a complaint to the Higher authorities and revenue Officials, thereafter only the Police have altered the FIR under Section 306 of IPC and arrested the petitioner herein.



Hence, he strongly opposed to grant bail to the petitioner.

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5. The learned Government Advocate (Crl. Side) would submit that before alteration to Section 306 of IPC, a number of 8 witnesses have been examined in this case and after alteration, a number of 9 witnesses are to be examined with regard to this case. Since the petitioner herein has committed gravity offence by instigating the girl to commit suicide and still the investigation is pending in this case, he strongly opposed to grant bail to the petitioner.

6. Considering the facts and circumstance of the case and also taking into account of the submission of the Government Advocate (Crl. Side) that a number of 9 witnesses are yet to be examined in this case and the investigation is yet to be completed and considering the gravity of offence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

30.01.2023

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