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Crl.O.P.No.5763 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

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

Crl.O.P.No.5763 of 2023

Prakash

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Pernampet Police Station,
Pernampet, Vellore District.

(Crime No.32 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.32 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.G.Vinodh Kumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 17.01.2023 for the offences punishable under Sections 306 r/w 511 of IPC



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and Section 4 of TNPWH Act in Crime No.32 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that she was pursuing 3rd year Nursing in Dharmapuri and she was in love with the petitioner for past one year. At that time, the petitioner gave sexual torture through video calls by way of insisting her to remove her dress, whereas, she refused to do so. Suddenly, the petitioner has stopped talking and ignored her. During which, the victim girl came to know that the petitioner was in relationship with another girl, who is studying in the same college and when the same was questioned by the victim, there was a quarrel between them. Thereafter, when the victim girl went to the petitioner's room to meet him, the petitioner along with his friend has insulted her by abusing her in filthy language. Due to which, the victim girl has committed suicide by self immolation. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he was having love affair with the victim girl and later, due to some misunderstanding, there was a split up between



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them and therefore, the petitioner had switched of his phone. The victim girl had informed her relationship to her brother-in-law and when she was in her sister's house, thereby, both her sister and brother-in-law have reprimanded her and due to which, she has committed suicide by self immolation in her sister's house itself. He also submitted that the petitioner is in judicial custody from 17.01.2023 and major part of the investigation is over. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that earlier, the petitioner and the victim girl were in relationship, during which, the petitioner had given sexual torture to the victim girl by chatting with her through video call and later, their relationship become severed and the petitioner has also dis-connected the phone call. Further allegation is that the petitioner along with his friend, one Dinakaran, have abused the victim girl and insulted her. Therefore, the victim girl, unable to bear the humiliation caused by the petitioner, has committed suicide by self immolation. He further submitted that the co-accused namely Dinakaran is yet to be arrested and the investigation is pending. He also submitted that the dying declaration of the victim girl has also been recorded, wherein, she has



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made an allegation as against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner and the age of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Gudiyatham** 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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[b] the petitioner shall stay at Madurai and report before the Inspector of Police, Othakadai Police Station, daily twice at 10.30 a.m and 5.30 p.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.

13.03.2023

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To

- 1.The Judicial Magistrate,
Gudiyatham.
- 2.The Inspector of Police,
Pernampet Police Station,
Pernampet, Vellore District.
- 3.The Inspector of Police,
Othakadai Police Station,
Madurai.
- 4.The Central Prison,
Vellore.
- 5.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

vkr

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