



Crl.O.P.No.5892 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

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

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N.Iyyanar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.

(Crime No.98 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.98 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Siva Kumar

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 01.03.2023, for the offences punishable under Section 306 of IPC, in Crime No.98 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Gurumoorthi, is that there was an existing previous enmity between the de-facto complainant's family and the accused family, with regard to pathway dispute. While so, on 27.02.2023, the accused have abused the de-facto complainant's son/victim and threatened him to vacate his premises, due to which, the victim, unable to bear the humiliation caused by the accused, has committed suicide by hanging. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him, on account of the civil dispute between the petitioner and the de-facto complainant. He further submitted that the de-facto complainant and his family had encroached the poromboke land and they had also prevented the



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way to the petitioner's family and thereby, the petitioner has resorted to legal means to evict the de-facto complainant and his family from the land, which was encroached by them and other than that, the petitioner has not done anything. He further submitted that the son of the de-facto complainant had committed suicide for various other reasons and only in order to implicate the petitioner, a false complaint has been given against him, as if he is responsible for the death of the victim. He also submitted that the petitioner has not abetted the victim to commit suicide and also stated that the victim has not left any suicide note. He further submitted that the petitioner was in custody from 01.03.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner (A1) along with other accused, due to the previous enmity with regard to the pathway dispute, has quarrelled with the *de-facto* complainant's son and abused him in a filthy language, due to which, the victim has committed suicide by hanging, hence, he opposed for grant of bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the period of incarceration undergone by 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 his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Panruti**, 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 Chennai and report before the Inspector of Police, B1 North Beach Police Station, 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.

20.03.2023

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To

1. The Judicial Magistrate No.II,
Panruti.
2. The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Inspector of Police,
B1, North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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