



Crl.O.P.No.6214 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

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

Crl.O.P.No.6214 of 2023

1. Yuvaraj
2. Senthilkumar @ Koduvakumar
3. Selvadurai
4. Kandhasamy
5. Annamalai

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.

(Crime No.89 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.89 of 2023, pending investigation on the file of the respondent
Police.



WEB COPY



Crl.O.P.No.6214 of 2023

For Petitioners : Mr.W.Camyles Gandhi
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.02.2023, for the offences punishable under Section 174(i) of Cr.P.C @ Section 306 of IPC, in Crime No.89 of 2023 on the file of the respondent police, seek bail.

2. On the complaint given by the *de-facto* complainant, Ponnusamy that his son, Dinesh, was found to have committed suicide by hanging, a case in Crime No.89 of 2023 was registered by the respondent Police under Section 174(i) of Cr.P.C. During the course of investigation, it came to light that A1 in an inebriated conditions, had misbehaved with one Raja and when the same was questioned by the victim, A1 along with other accused abused and assaulted him. Thereby, the victim due to the unbearable pain and suffering, has committed suicide by hanging. Therefore, the case has been altered to one under 306 of IPC. Hence the case.



Crl.O.P.No.6214 of 2023

WEB COPY

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to the previous enmity, they have been falsely implicated in this case. He further submitted that de-facto complainant's son has committed suicide for various reasons and no suicide note was left by the deceased, whereas, due to the previous enmity, the de-facto complainant has lodged a false complaint against the petitioners, as if they have abetted the victim to commit suicide. He also submitted that petitioners are in custody from 16.02.2023 and they are ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that since the victim has questioned the accused for misbehaving with one Raja, the accused have abused and assaulted the victim, due to which, he has committed suicide by hanging. He further submitted that investigation in this case is pending, hence, he opposed for grant of bail to the petitioners.



Crl.O.P.No.6214 of 2023

WEB COPY

5. Heard the learned counsel for the petitioners 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 either side of the parties and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Kallakurichi**, 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;



Crl.O.P.No.6214 of 2023

[b] the petitioners shall stay at Ramanathapuram and report before the Inspector of Police, Town Police Station, Ramanathapuram, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

17.03.2023

ham



Crl.O.P.No.6214 of 2023

WEB COPY

To

1. The Judicial Magistrate No.II,
Kallakurichi.
2. The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
3. The Sub Jail,
Kallakurichi.
4. The Inspector of Police,
Town Police Station,
Ramanathapuram District.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6214 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.6214 of 2023

17.03.2023