



Crl.O.P.No.6348 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

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

Crl.O.P.No.6348 of 2023

1. Ramu @ Udhaya

2. Ruthrakumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Olakkur Police Station,
Villupuram District.

(Crime No.29 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in connection with the Crime
No.29 of 2023, pending investigation on the file of the respondent Police.

For Petitioners : Mr.G.Mageshkumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.6348 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody, for the alleged offences punishable under Sections 341, 294(b), 325 & 306 of IPC r/w Section 116 of IPC, in Crime No.29 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant/deceased victim, Kannandhasan, is that he was working as a Salesman in Samsung show Room, Chennai and he got engaged with one Abirami and only after obtaining his consent, marriage arrangements were made. While so, he had a love affair with his colleague and on her compulsion, he had married her. Later, when it came to the knowledge of the said Abirami's relatives, on 17.02.2023, they have assaulted him and made him to consume poison, due to which, he was admitted in the Government Hospital. Based on his complaint, a case in Crime No.29 of 2023 came to be registered for the offence under Sections 341, 294(b), 325 & 306 of IPC r/w Section 116 of IPC. Later, the *de-facto* complainant/victim died, without responding to the treatment. Hence the case.



Crl.O.P.No.6348 of 2023

WEB COPY

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners, who are the relatives of said Abirami, have arranged the marriage between the de-facto complainant/victim and Abirami, only after getting his consent and later to their shock, it was disclosed by the victim that he had married another girl, who was working along with him in Chennai and on coming to know the same, the said Abirami has attempted suicide by hanging herself, thereby, the de-facto complainant/victim fearing that the respondent might take action against him, has consumed poison, whereas, he has given a false complaint against the petitioners, as if they have assaulted him and abetted him to consume poison. He also submitted that the petitioners are no way connected with the alleged offence and they have not abetted the victim to commit suicide by consuming poison. He further submitted that the petitioners were arrested 18.02.2023 and they are in custody for more than a month and now, they are confined in Central Prison, Cuddalore. He also submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.



Crl.O.P.No.6348 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the victim had earlier got engaged to Abirami, who is the relative of the petitioners, and later, he had disclosed that he was married to another woman, due to which, the petitioners have assaulted the victim and threatened him and also made him to consume poison. He further submitted that the victim was admitted in the hospital and based on his complaint, the present case has been registered, whereas, unfortunately, the victim died in the hospital, without responding to the treatment. He also submitted that the investigation in this case is pending, therefore, he opposed for grant of bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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Crl.O.P.No.6348 of 2023

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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tindivanam**, 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 petitioners shall report before the respondent Police, 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



Crl.O.P.No.6348 of 2023

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.

23.03.2023

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To

1. The Judicial Magistrate No.I,
Tindivanam.
- 2.The Inspector of Police,
Olakkur Police Station,
Villupuram.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.6348 of 2023

A.D.JAGADISH CHANDIRA.,J.

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