



Crl.O.P.No.7950 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.7950 of 2023

M.Pragadeesh

... petitioner

Vs.

The State represented by,
The Inspector of Police,
Kariapattinam Town Police Station,
Nagapattinam District.

(Crime No.42 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.42 of 2023, pending investigation on the file of the respondent
Police.

For petitioner : Mr.V.Mythili

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



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ORDER

The petitioner, who were arrested and remanded to judicial custody on 12.03.2023, for the offences punishable under Section 174 Cr.P.C @ 294(b) & 306 of IPC, in Crime No.42 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Nadarajan is that the petitioner had induced the de-facto complainant and his wife stating that he is in urgent need of money and requested them for money and for which, he promised to register his land in favour of them and obtained a sum of Rs.95,000/- from them and thereafter, de-facto complainant and his wife were enjoying the possession of the said land. Whereas, after few months the accused has threatened the de-facto complainant and his wife to vacate the land stating that the land belongs to his uncle. Also, when the de-facto complainant's wife was alone, A1 had abused her in a filthy language and threatened her with dire consequences. Therefore, the de-facto complainant's wife/deceased, unable to bear the humiliation, has committed suicide by consuming poison. Based on his



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complaint, initially a case in Crime No.42 of 2023 was registered by the respondent Police under Section 174 of Cr.P.C and later altered to one under Sections 294(b) & 306 of IPC. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He further submitted that due to the previous enmity with regard to the land dispute, the de-facto complainant had given a false complaint as against the petitioner, as if he has abetted the victim to commit suicide and the petitioner is no way connected with the alleged offence. He also submitted that other than the statement of the de-facto complainant, no materials are available to show that the petitioner has abetted the victim to commit suicide. He further submitted that one of the co-accused has been granted anticipatory bail by this Court. He also submitted that the petitioner is in custody from 12.03.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that due to the land dispute, the petitioner along with



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other accused, had abused the de-facto complainant and his wife in a filthy language and threatened them to vacate the alleged premises, due to which, the victim/de-facto complainant's wife had committed suicide by consuming poison. He also submitted that investigation in this case is still pending, hence, he vehemently opposed to grant bail to the petitioners.

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 the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

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**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Vedaraniyam**, and on further



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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 petitioner shall stay at Chennai and report before the Inspector of Police, Nungambakkam Police Station, everyday at 10.30a.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.

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To

1. The District Munsif cum Judicial Magistrate,
Vedaraniyam.
2. The Inspector of Polcice,
Kariapattinam Town Police Station,
Nagapattinam District.
3. The District Jail,
Nagapattinam District.
4. The Inspector of Police,
Nungambakkam Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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