



Crl.O.P.No.8869 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

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Manikandan @ Mani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Katpadi Police Station,
Katpadi,
Vellore District.

(Crime No.168 of 2019).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.168 of 2019, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.B.Jawahar

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 09.03.2023, in connection with Crime No.168 of 2019, registered under Section 174 Cr.P.C and later, altered for the alleged offences punishable under Section 306 of IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Periyasamy, is that his son had committed suicide by hanging. Based on the complaint given by the de-facto complainant, a case in crime No.168 of 2019 came to be registered under Section 174 of Cr.P.C. Later, during the course of investigation, it came to light through the suicide note left by the victim, that the wife of the victim had developed an illegal affair with the first accused/petitioner herein, due to which, he has committed suicide by hanging. Thereby, the case has been altered to one under Section 306 of IPC. 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. He



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further submitted that the de-facto complainant, on suspecting that his daughter-in-law was having an illicit affair with the petitioner, had implicated the petitioner in this case and only due to the suspicion, the petitioner was arrested. He also submitted that the victim had borrowed money from several persons and since, he was unable to repay the same, he has committed suicide. He further submitted that originally the First Information Report was registered in the year of 2019, whereas, the respondent has altered the same after the period of three years. He also submitted that no material is available to show that the petitioner has abetted the victim to commit suicide. He further submitted that major part of the investigation is over and the petitioner is in custody from 09.03.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that since the wife of the de-facto complainant's son/victim was having an illicit affair with the petitioner herein, the victim has committed suicide by hanging and he has also left behind a suicide note. He further submitted that originally the case was registered under Section



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174 Cr.P.C and later, during the course of investigation, altered for the alleged offences punishable under Section 306 of IPC. He also submitted that investigation in this case is still pending. Hence, he vehemently opposed for grant of bail to the petitioner.

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 Judicial Magistrate, Katpadi**, and on further conditions that:



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[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, R3, Ashok Nagar 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 Judicial Magistrate,
Katpadi.
2. The Inspector of Police,
Katpadi Police Station,
Katpadi, Vellore.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
R3, Ashok Nagar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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