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CrI.O.P.No.10872 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.10872 of 2023

1.A.Jayavel

2.L.Amulu

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thakkolam Police Station,
Ranipet District.
(Crime No.30 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioners on bail in pending investigation in Crime
No.30 of 2023 on the file of the respondent police.

For Petitioners : Mr.M.Lokesh

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.03.2023, for the offence punishable under Section 306 of IPC, in connection with Crime No.30 of 2023, registered on the file of the



Crl.O.P.No.10872 of 2023

respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant is that his son and son of the petitioner and three other accused were friends and on the date of occurrence, there was a wordy quarrel arose between them, during the quarrel, the petitioners intervened and abused the deceased by using filthy language. Therefore, the defacto complainant's elder son/deceased, unable to bear the humiliation, has committed suicide by consuming poison. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have nothing to do with the alleged offence. He further submitted that the petitioners have only intervened in the dispute arose between the son of the first petitioner and the deceased and there is no intention to abet the deceased to commit suicide. He further submitted that in any case, their act would not attract Section 306 of IPC. He also submitted that the petitioners are in custody from 12.03.2023. Hence, he prayed to grant bail to the petitioners.



Crl.O.P.No.10872 of 2023

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that on the date of occurrence, there was a wordy quarrel arose between the son of the first petitioner, deceased/son of the defacto complainant and three other accused, during the quarrel, the petitioners intervened and abused the deceased by using filthy language. Therefore, the defacto complainant's elder son/deceased, unable to bear the humiliation, has committed suicide by consuming poison. He also submitted that the investigation is still pending. Hence, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor 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 for the petitioners and the nature of the allegations and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



Crl.O.P.No.10872 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, Arakkonam** 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, twice a week 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]***;



Crl.O.P.No.10872 of 2023

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

10.05.2023

vk

To

1. The Judicial Magistrate,
Arakkonam.
2. The Inspector of Police,
Thakkolam Police Station,
Ranipet District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.10872 of 2023

SUNDER MOHAN, J

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Crl.O.P.No.10872 of 2023

10.05.2023