



CrI.O.P.No.10932 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

CrI.O.P.No.10932 of 2023

Srinath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

(Crime No.107 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.107 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.04.2023, in connection with Crime No.107 of 2023, 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, Venkatesan, is that on 14.04.2023, while he along with his family members were watching dance program in his village, the petitioner/accused had pelted stones on them, due to which, there was a wordy altercation between them. Thereafter, the de-facto complainant's daughter left the place and went to house and later, when the de-facto complainant went to his house, he found that his daughter/victim had committed suicide by hanging. Based on his complaint, a case in Crime No.107 of 2022 was registered by the respondent Police under Section 174 Cr.P.C. During the course of investigation, it came to light that the petitioner had abetted the victim/deceased, to commit suicide. Thereby, the case has been altered to one under Section 306 of IPC. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 22 years and he has been falsely implicated in this case. He further submitted that the petitioner and the de-facto complainant's daughter were loving each other and when the de-facto complainant came to know about the same, he reprimanded the victim, due to which, she had attempted to commit suicide during the year of 2022. He further submitted that later, on 14.04.2023, there was a wordy altercation between the petitioner and the de-facto complainant, during which, the de-facto complainant had scolded his daughter, due to which, she had committed suicide by hanging, whereas, the de-facto complainant has lodged a false complaint as against the petitioner, as if, he has abetted the victim to commit suicide. He also submitted that the petitioner was not present at the scene of occurrence and there is no material to show that the petitioner has abetted the victim to commit suicide and also submitted that even the de-facto complainant is not the witness to the occurrence. Hence he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner had created a ruckus with the



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de-facto complainant and his family, by pelting stones on them and he had also abetted the victim to commit suicide by hanging. He also submitted that the investigation is almost completed, however, on considering the gravity of the offence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner 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 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 conditions.

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, Uthangarai**, 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 report before the respondent Police, 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.

17.05.2023

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To

1. The District Munsif cum Judicial Magistrate,
Uthangarai.
2. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
3. The Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN.,J.

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