



Crl.OP.No.11770 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11770 of 2023

Arjunan
S/o.R.Natarajan

... Petitioner

Vs.

State rep. By
Inspector of Police,
Thiruvankadu P.S.Mayiladuthurai
(Crime No.70/2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.70 of 2023 pending
investigation on the file of the respondent police .

For Petitioner : Mr.S.Abu Backer Sidhic

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 23.04.2023 for the offences punishable under Section 306 of IPC in Crime No.70 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the Second Daughter of the defacto complainant namely Prabhavathi was in love with the first accused Anantharaj, the younger brother of the Petitioner. Their said love affair was very well known to both the families who are neighbours living on the same street and that the parents of the deceased and the Petitioner's father have planned to conduct their marriage after the girl shall complete her nursing course. While being so, suddenly on the night of 08.04.2023, the defacto complainant and his wife saw their daughter standing in the backyard of house and having a wordy quarrel with her lover Anantharaj and came inside home and told that Anantharaj had quarrelled with her and stated that, if she dies only his family members can live in peace and that the defacto complainant consoled her to go to bed saying that the issue can be sorted out tomorrow morning. Thereafter, at around 3.00 p.m., the defacto complainant



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noticed that his daughter had hanged herself on the neem tree at the backyard of his house. Thereby, the petitioner and his brothers had instigated his daughter to commit suicide. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely been falsely implicated in this case. He would further submit that A1 had a love affair with the victim/deceased and even prior to the marriage, the victim got pregnant and on coming to know of the same, the parents of the victim had reprimanded her, due to which, she had committed suicide, whereas, the defacto complainant has given a false complaint as against the petitioner and her family members. He would submit that Petitioner is in judicial custody from 23.04.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would vehemently oppose to grant bail by stating that the Deceased had written a suicide note in which she had mentioned the name of her lover Anantharaj and his brother and his brother's wife are responsible for her end. Hence, he vehemently opposed to grant bail to the Petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the learned counsel for the petitioner that after the death of petitioner's father, the younger brother of the petitioner had reported to his lover. the deceased to postpone the marriage, in which by grudge of disappointment, she is alleged to have committed suicide. The petitioner and his wife are not responsible for the death of the said girl, infact, the petitioner's parents as well as the parents of the deceased were decided to conduct the marriage. But the sudden death of the petitioner's father which had resorted in the sort of unfortunate developments. The petitioner's wife was already granted bail by this Court vide order dated 28.04.2023 in Crl.OP.No.9646 of 2023 and the elder brother of the petitioner was also granted bail by this Court vide order dated 05.05.2023 in Crl.OP.No.10233 of 2023.

7. Considering the above facts and circumstances and also considering the period of incarceration suffered by the petitioner and the co-accused were released on bail, this Court is inclined to grant bail to the



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petitioner with certain conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned ***Judicial Magistrate, Seerkazhi***, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and report before the Inspector of Police, Thiruvenkadu P.S.Mayiladuthurai, daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;



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(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023

Vv/ham



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1. The Judicial Magistrate,
Seerkazhi.
2. The Inspector of Police,
Thiruvenkadu P.S.
Mayiladuthurai.
3. The Sub Jail,
Seerkazhi.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

Vv/ham

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