



Crl.O.P.No.12127 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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

Crl.O.P.No.12127 of 2023

Avi Gupta

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CBCID OCU - II,
Egmore,
Chennai.

(Crime No.3 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with Crime
No.3 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Simon

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 20.04.2023, in connection with Crime No.3 of 2022, 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, seeks bail.

2. The case of the prosecution is that the Avadi Railway Police, having found the dead body of an unknown person (a lady) in the railway track, had registered a case in Crime No.86 of 2022 under Section 174 Cr.P.C. Later, since there was no clue in this case, the case has been transferred to the file of the respondent and taken up in Crime No.3 of 2022. During the course of investigation, it came to light that the victim was one Meghashree, aged about 28 years, resident of Odisha. Further investigation revealed that the victim and the petitioner/accused were classmates in IIT, Delhi and there was a love affair between them. Later, due to some misunderstanding between the petitioner and the victim, the petitioner had refused to contact victim/Meghashree and the victim being depressed by the



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same, had committed suicide by jumping in front of the moving train.

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 he has been falsely implicated in this case. He further submitted that the fact remains is that the petitioner and the victim/deceased are classmates in IIT, Delhi and there was a love affair between them. Later, the victim got transferred to Chennai for some research purpose and during such time, she developed a relationship with another person and when it was questioned by the petitioner, the victim had committed suicide by jumping in front of the moving train. He further submitted that even as per the materials collected by the respondent, no material is available to show that the petitioner has abetted the victim to commit suicide, whereas, the petitioner was arrested in this case, only due to the suspicion. He also submitted that the petitioner has got a permanent residence and he is ready to abide by any stringent conditions that may be imposed by this Court. He further submitted that the petitioner is a research scholar and he is in custody from 20.04.2023, hence he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that originally, the body of the female, aged around 30 years was found in the railway track which comes within the limit of the Avadi Railway Police and based on which, the Avadi Railway Police has registered a case in Crime No.86 of 2022 under Section 174 Cr.P.C and later, the investigation has been transferred to the respondent herein in Crime No.3 of 2022. During the course of investigation, it came to light that the petitioner and the victim were loving each other and later, the petitioner refused to contact the victim and also made false accusations against the victim girl as if she was having an affair with someone else, due to which, the victim had committed suicide by jumping in front of the moving train. He also submitted that there are ample materials by way of email communications to show that the petitioner is the person who had abetted the victim to commit suicide. Therefore, 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



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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** (out of which, one surety should be the blood related surety), each for a like sum to the satisfaction of the **learned XI Metropolitan Magistrate, Saidapet**, 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 petitioner shall report before the respondent Police everyday at 10.30a.m., until further



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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.

01.06.2023

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To

1. The XI Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
CBCID OCU - II,
Egmore, Chennai.



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3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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