



Crl.O.P.No.12005 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

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

Crl.O.P.No.12005 of 2023

Rajnarayanan

... Petitioner

Vs.

The State rep by its
The Inspector of Police,
15-Velampalayam Police Station,
Tirupur City.
(Crime No.393 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.393 of 2023 pending
investigation on the file of the respondent.

For Petitioner : Mr.K.Sudhakar

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 **29.04.2023** for the offences punishable under Sections 354(A) of IPC, Section 4 of TNPHW Act 2022 and 309 of IPC @ Section 354(A) of IPC, Section 4 of TNPHW Act 2022 and 306 of IPC, in Crime No.393 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the victim Bhuvaneshwari is that she was working as Merchandiser in an export company namely M-Tex Company and she had borrowed a sum of Rs.1 lakh from the Proprietor of M-Tex Company namely Rajnarayanan and thereafter, due to poor financial state, she was unable to repay the amount. While so, on 29.04.2023, the said Rajnarayanan, had summoned the defacto complainant to his office and demanded the money from her and later, humiliated her and also sexually abused her. Unable to bear the humiliation, the defacto complainant/victim had attempted to commit suicide by self immolation by pouring Petrol on her due to which, she sustained injuries and she was admitted in the hospital. Based on which, the case in Crime No.393 of 2023 came to be registered initially for the offence under Sections 354(A) of IPC, Section 4 of TNPHW



Act 2022 and 309 of IPC. Subsequently, while the victim was under treatment, she died without responding to the treatment on 04.05.2023 and therefore, the offences were altered into Section 354(A) of IPC, Section 4 of TNPHW Act 2022 and 306 of IPC.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner did not demand any money from the victim. The victim with an intention to threaten the petitioner, had come to the petitioner's company with Petrol and she only abused the petitioner due to which, there was a quarrel between them and during such time, the victim attempted to commit suicide by self immolation and that the staffs in the petitioner's company only admitted her in the hospital. He further submitted that the petitioner has not abetted the victim to commit suicide, whereas, a false complaint has been given against the petitioner. He also submitted that though the Dying Declaration was recorded from the victim, she has not stated anything as if, the petitioner abetted her to commit suicide. However, the petitioner without prejudice to his defence, taking into consideration the plight of the two children of the victim, is ready and willing to deposit a sum of Rs.2 lakhs each in favour of the two children of



the victim, by way of Fixed Deposit. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that the victim who was working as a Merchandiser under the petitioner's company, had borrowed a sum of Rs.1 lakh from the petitioner and thereafter, due to poor financial state, she was unable to repay the amount to the petitioner. While so, on 29.04.2023, the petitioner had called the victim to his office and demanded money from her and also humiliated and made sexual remarks against her. Unable to bear the humiliation, she committed suicide by self immolation by pouring Petrol on her. He further submitted that the investigation is pending.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.



7. Accordingly, the petitioner is directed to deposit a sum of **Rs.2 lakhs (Rupees Two Lakhs Only)** each by way of **Fixed Deposit** in any one of the **Nationalized Banks**, in favour of the children of the defacto complainant/deceased (namely **D.Srihari D.O.B.05.12.2009** and **Krishna, D.O.B.20.08.2014**) without prejudice to his rights and contentions before the trial Court. On such deposit and production of the Fixed Deposit Receipts before the Court, 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-III, Tirupur**, 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 10.30 a.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial;



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[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 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]*;

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

8. It is made clear that since because the petitioner deposits the said amount in favour of the children of the defacto complainant/deceased, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently. The deposit receipts shall be handed over to the husband of the deceased.

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To

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1. The Judicial Magistrate - III,
Tirupur.
2. The Inspector of Police,
15-Velampalayam Police Station,
Tirupur City.
3. The Central Prison, Tirupur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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