



Crl.O.P.No.13097 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

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

Crl.O.P.No.13097 of 2023

Raghupathi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-4 Korukkupet Police Station,
Chennai.

(Crime No.88 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.88 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.D.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



WEB COPY



CrI.O.P.No.13097 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2023, in connection with Crime No.88 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, Ramesh, is that he belongs to the Hindu Nayakkar Community and her daughter/victim fell in love with the petitioner/accused, who belongs to the Hindu Naidu Community and thereby, he had performed their marriage in the year of 2016 and out of their wedlock, they have got 2 children. Further, after their marriage, the petitioner used to come home in an inebriated condition and harass her. While so, on 13.05.2023, the de-facto complainant had received an information that her daughter had committed suicide by hanging. Based on the complaint given by the de-facto complainant, a case in crime No.88 of 2023 came to be registered under Section 174 of Cr.P.C. Later, during the course of investigation, the case has been altered to one under Section 306 of IPC. Hence the case.



Crl.O.P.No.13097 of 2023

WEB COPY

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 petitioner and the victim were in love with each other and their marriage was solemnised during the year of 2016 against the interest of the de-facto complainant. He further submitted that even after the marriage, the de-facto complainant used to pester her and the victim being depressed by the same, had committed suicide, whereas, the de-facto complainant being antagonised over the petitioner had given a false complaint as against the petitioner. He also submitted that even as per the prosecution, the allegation against the petitioner is that he is an alcoholic and other than that there is no material to show that the petitioner had abetted the victim to commit suicide and also submitted that even no suicide note has been left by the deceased/victim. He further submitted that major part of the investigation is over and the petitioner is in custody from 15.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the husband of the



Crl.O.P.No.13097 of 2023

deceased/victim. He further submitted that the marriage between the petitioner and the de-facto complainant's daughter was solemnised in the year of 2016 and they have got 2 children. He also submitted that the petitioner used to consume alcohol everyday and harassed his wife, due to which, she had committed suicide by hanging. He further submitted that the investigation in this case is pending, hence, 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 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)**



Crl.O.P.No.13097 of 2023

with **two sureties**, each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town, Chennai**, 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 stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station, 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]***;



WEB COPY



Crl.O.P.No.13097 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

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

13.06.2023

ham

To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H-4 Korukkupet Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
5. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.13097 of 2023