



Crl.O.P.No.13912 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

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

Crl.O.P.No.13912 of 2023

Pandi Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Annur Police Station,
Coimbatore District.

(Crime No.237 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.237 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.C.Ramkumar

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 19.04.2023, in connection with Crime No.237 of 2023, registered under Section 174(3) 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, Bicky Kumar, is that the accused/petitioner, who was having an illegal affair with his wife/deceased, had taken obscene videos of his wife and threatened her by showing the same. Further, the accused had sent the video to the *de facto* complainant and the *de facto* complainant had questioned the victim/deceased with regard to the same, for which, she had apologized and promised that she would not indulge in such activities. Thereby, they had shifted their residence, whereas, the accused continued threatening the *de facto* complainant and his family that he would post the same in social media. Thereby, the deceased/victim, unable to bear the torture and humiliation caused by the accused, she had committed suicide by hanging. Based on the complaint given by the de-facto complainant, a case in Crime No.237 of 2023 came to be registered under Section 174(3) of Cr.P.C. Later,



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during the course of investigation, 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 even there is no suicide note left by the deceased/victim and the de-facto complainant being antagonised over the petitioner, had given a false complaint as against the petitioner. He further submitted that major part of the investigation is over and the petitioner is in custody from 19.04.2023 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 had an illegal affair with the deceased/victim, who is the wife of the de facto complainant, and he had also taken obscene videos of the victim and threatened her by saying that he will upload it in social media. Further, when the truth was revealed to the *de facto* complainant, the victim felt bad and apologized for her act and both of



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them shifted their residence, but even thereafter, the accused continued threatening the de facto complainant and his family, due to which, the victim unable to bear the humiliation and torture caused by the accused, 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned**



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Judicial Magistrate, Annur, 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 Dindigul and report before the Inspector of Police, Dindigul Town North 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]***;

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

26.06.2023

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate,
Annur.
2. The Inspector of Police,
Annur Police Station,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.
5. The Public Prosecutor,
High Court of Madras.

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