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CrI.OP.No.15759 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.15759 of 2023

Sathish

..Petitioner

Vs.

State Rep by its,
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
Crime No.243 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.243 of 2023 on the
file of the respondent police.

For Petitioner : Mr.M.Siva Kumar

For Respondent : Mr. S. Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.05.2023 for the offence punishable under Section 306 of IPC in Crime No.243 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused. It is alleged that he had illicit relationship with A2. A case was registered in Crime No.243 of 2023 for the offence under Section 306 of IPC alleging abetment of suicide by A2's husband. Petitioner is in Judicial Custody from 29.05.2023. Thus, he seeks for bail.

3. In response, learned Additional Public Prosecutor submitted that, deceased, husband of A2 in this case, has left a suicidal note stating that petitioner/A1 had illegal intimacy with A2, who is the wife of the deceased. Despite several efforts made by the family members of the 2nd accused to avoid such a relationship between them on the ground that, A2 has three children and it will affect the welfare of the children, their illicit relationship continued. As a result, deceased committed suicide.

4. The suicidal note of the deceased dealt with only the illegal



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relation ship of the petitioner with the 2nd accused. There is no allegation, especially that the petitioner had abetted him to commit suicide. Considering the fact that 1st accused was granted bail and the petitioner is in Judicial Custody from 29.05.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.I, Krishnagiri** 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 daily at 10.30.a.m., until further orders.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

26.07.2023

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1. Judicial Magistrate No.I,
Krishnagiri.
- 2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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