



Crl.O.P.No.17581 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

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

Crl.O.P.No.17581 of 2023

M.Muralidharan

...Petitioner/Accused A2

Vs.

State Rep by
The Inspector of Police,
Perundurai Police Station,
(Crime No.508 of 2023).

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge on bail in Crime No. 508/2023 pending on the file of respondent.

For Petitioner : Ms.M.Jayanthi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.17581 of 2023

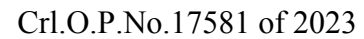
WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.06.2023 for the offence punishable under Section 306 IPC in Crime No.508 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.508 of 2023 for the offences punishable under Section 306. It is his further submission that, petitioner is the neighbour of the deceased. On the allegation of cheating the deceased, this petitioner is arrayed as accused in this case. In fact, petitioner is innocent and falsely implicated in this case. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, petitioner and his wife are neighbours of the deceased and her husband. Defacto complainant is the husband of deceased. Petitioner informed deceased that, he is engaged in silver and gold business. Petitioner said to have lured the deceased to invest money in his business. On that basis, it is alleged that, deceased parted a sum of



Therefore, deceased and defacto complainant gave complaint to the police. Petition enquiry was conducted by the police. However, petitioner did not appear for the enquiry. Therefore, thinking that deceased was cheated by the petitioner, she committed suicide by hanging. It is also alleged that, she got loan from many persons, for paying the petitioner and because of the cheating, she was not able to repay the money to the persons, from whom, she borrowed money. Thus, he prays for dismissal of this petition.

5.It is seen from the allegations made in the first information report that, deceased had taken extreme decision of committing suicide, for the reason that, petitioner had not repaid the money and that petitioner did not appear for the enquiry conducted by the police.

6. Considering the fact that, as of now, there is no incriminating



Crl.O.P.No.17581 of 2023

material available to show that, petitioner had instigated/abetted the deceased to commit the suicide, that petitioner is in judicial custody from 28.06.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions and 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 Court at Perundurai** 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 morning at 10.30 a.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.



Crl.O.P.No.17581 of 2023

[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.

18.08.2023

gd/ns1

To

- 1.The Judicial Magistrate Court,
Perundurai.
2. The Inspector of Police,
Perundurai Police Station.
- 3.The Sub-Jail,
Perundurai.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



WEB COPY



Crl.O.P.No.17581 of 2023

gd/nsi

Crl.O.P.No.17581 of 2023

18.08.2023