



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/02/2023
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3808 of 2023

Vikku @ Vikram

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime No.6 of 2023.

... Respondent/Complainant

For Petitioner : M/s.SARAVANAKUMAR C,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

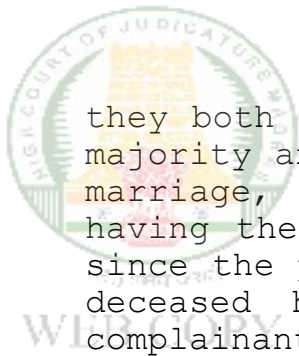
PRAYER :- For Bail in Cr.No.6 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 09.01.2023 for the offence punishable under Sections 306 of IPC @ 306 @ 305 of IPC in Crime No.6 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased was studying 12th standard in High school and there was an affair between the deceased and A1, hence the defacto complainant and his wife warned her. Thereafter on 08.01.2023 the accused A1 and A2 scolded the deceased in filthy language, due to which the deceased became upset and had committed suicide by hanging and also left a suicide note implicating A1 and A2, hence the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the earlier application for bail in respect of the petitioner in Crl.O.P.(MD)No.1458 of 2023 was dismissed on the ground that the investigation is in initial stage. He would further submit that the petitioner and the deceased loved each other and it was also accepted by both the families and



they both agreed to perform the marriage after the deceased is majority and later, the parents of the victim did not agree for the marriage, since the petitioner is a daily wage coolie and he is having the habit of consuming liquor. He would further submit that since the parents of the victim did not agree for the marriage, the deceased had committed suicide in the house of the defacto complainant. He would further submit that the petitioner is in judicial custody from 09.01.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had induced the victim and there was a love affair between them and later, the petitioner had spread news in the village that the victim was in love with him and he was not in love with the victim and thereby, the victim was humiliated and she had committed suicide by hanging in her house. He would further submit that the victim has also left a suicide note implicating the petitioner. Hence, he objected to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Court, Theni, and on further conditions that:

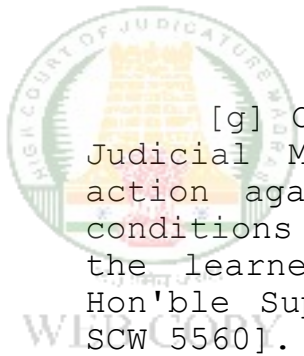
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall stay at Madurai and report before the Inspector of Police, Y.Othakadai Police Station, Madurai daily at 10.30 A.M., until further orders; and it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police for a period one month.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[g] On breach of any of the aforesaid conditions, the Judicial 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].

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

sd/-

28/02/2023

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28/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, THEKKAMPATTI, THENI.
- 4 THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION, MADURAI.

+1. CC to M/S.SARAVANAKUMAR C Advocate SR.No.3028

ORDER

IN

CRL OP(MD) No.3808 of 2023

Date :28/02/2023

SA/SSS/SAR. /28.02.2023/3P/8C

<https://www.mhc.tn.gov.in/judis>