



Crl.O.P.No.8137 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.8137 of 2024

V. Abishek

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
(Crime No.294 of 2022)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.294 of 2022 on the
file of the respondent police.

For Petitioner : Mr.P.Ezhil Nilavan

For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.01.2024 for the offence originally punishable under Section 174 Cr.P.C., and subsequently, altered to Section 306 IPC in Crime No.294 of 2022 on the file of the respondent police, seeks bail.

2.The petitioner had actually been granted bail by the learned Principal Sessions Judge, Krishnagiri, by an order dated 01.02.2023 in Crl.M.P.No.338 of 2023. At that point of time, he had been originally remanded to custody on 15.12.2022. He had been filing petitions seeking bail before this Court and they suffered an order of dismissal. After the last order was passed, within two days, the learned Principal Sessions Judge, Krishnagiri had granted bail to the petitioner. The defacto complainant, therefore filed an application in Crl.O.P.No.5393 of 2023 seeking to cancel the bail. By an order dated 21.12.2023, this Court had cancelled the bail. The petitioner was again remanded to custody as stated on 23.01.2024 and he is in custody for over 80 days.



3.This Court had also issued notice to the defacto complainant, who is also present.

4.It is the contention of the learned counsel for the petitioner that investigation has been practically completed and viscera report alone is awaited and also the petitioner had suffered more than sufficient period of incarceration.

5.To recount the facts, it is the case of the prosecution that the petitioner had a relationship with a daughter of the defacto complainant and had also promised to marry her. He thereafter refused to marry her. Frustrated with such rejection, she committed suicide.

6.The learned counsel for the defacto complainant, however, pointed out the direct overt act of the petitioner herein, which led to the daughter of the defacto complainant committing suicide.

7.I have to balance both the version, but the fact that the petitioner had been originally in custody from 15.12.2022 till an order was passed on 01.02.2023 granting bail by the learned Principal Session Judge, Krishnagiri and again after that order was cancelled, from 23.01.2024 till this date, I hold that the petitioner should be granted some relief and



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therefore, I am inclined to grant bail to the petitioner subject to the following conditions:

8. 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 – 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.

[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



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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.

22.04.2024

smv

To

1. The Judicial Magistrate – I, Krishnagiri.
2. The Central Prison, Salem.
3. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

smv

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