



CrI.O.P.No.11758 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

CrI.O.P.No.11758 of 2024

Sarathkumar,
S/o.Chinnathambi

...Petitioner/Sole Accused

Vs.

State represented by
The Inspector of Police,
Alangayam Police Station,
Tirupattur District.
(In Crime No.111 of 2024)

...Respondent/ Complainant

For petitioner : Mr.S.Gopinath

For Respondent : Ms.M.Sumi Arnica,
for Public Prosecutor

PRAYER: The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail in Crime No.111 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

WEB COPY This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 20.03.2024 for the alleged offences punishable under Section 306 IPC, in Crime No.111 of 2024 on the file of the respondent police.

3. The case of the prosecution is that, the deceased is the daughter of the defacto complainant. The petitioner forced the deceased Madhupriya to marry him. Owing to severe mental torture, the deceased committed suicide. Hence the case.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is in judicial custody since 20.03.2024. He has no previous case pending against him. He therefore prayed to grant bail to the petitioner.

5. The learned Public Prosecutor appearing for the respondent police submitted that the deceased was living with her parents due to misunderstanding with her husband. The petitioner, who is a third person, forced the deceased to marry him. Due to the mental abuse, she jumped into a



well and committed suicide. She further submitted, there is no previous case pending against the petitioner. However, she objected to grant bail to the petitioner/accused.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 20.03.2024 and in judicial custody for more than 52 days. The petitioner has a permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Petitioner is a first time offender and he has no previous case. Considering the nature of the offence and the averments made in the FIR, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a **bond for Rs.25,000/-** (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the **learned Judicial Magistrate-III, Tirupattur.**

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]. The learned Principal Special Judge shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall furnish his residence address and mobile number;

(iv) **The petitioner shall appear and sign before the respondent police, daily at 10.00 a.m., until further orders;**

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Principal Special Judge is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 383].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

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Note:-



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R.SAKTHIVEL. J.

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To

- 1.The Judicial Magistrate-III, Tirupattur.
2. The Central Prison, Vellore.
- 3.The Inspector of Police,
Alangayam Police Station,
Tirupattur District.
- 4.The Public Prosecutor, High Court of Madras.

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