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Crl.O.P.No.19059 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.19059 of 2024

Kuralarasan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Perunagar Police Station,
Kanchipuram District.

(Crime No.177 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail in respect of Crime No.177 of 2024
on the file of the respondent, Inspector of Police, Perunagar Police Station,
Kanchipuram District pending investigation.

For Petitioner : Mr.M.Mubeen

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.06.2024, for the alleged offences punishable under Sections 174 of Cr.P.C altered to 306 of IPC, in Crime No.177 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, is that his son was married to one Jayasathya. They have three girl children and she had an illegal relationship with the petitioner. The defacto complainant's son knowing about her relationship, questioned the same with the petitioner and this petitioner subsequently showed photographs, and the defato complainant's son was depressed. On 30.05.2024, he was found hanging in one mango tree. He was admitted to Chengalpattu Government Hospital and after 16 days , he passed away. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged in the FIR. He would further submit that after 16 days in the hospital, the



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defacto complainant had not given any statement or complaint against the petitioner and without a suicide note or a dying declaration, the petitioner was falsely implicated by the respondent police. The petitioner is in judicial custody for more than 50 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that the petitioner and the deceased wife had an illegal relationship. Knowing about her relationship, the deceased questioned the same with the petitioner. Subsequently, this petitioner showed photographs to the deceased, for which, he got depressed. On the date of the alleged occurrence, he committed suicide by hanging, got admitted to the Government Hospital, and after 16 days, he died. He further submitted that the petitioner is having five previous cases, pending against him, and further investigation in this case is almost completed. However, he vehemently, opposed to grant bail to the petitioner.



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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel of either side, considering the period of incarceration undergone by the petitioner, investigation was almost completed and no any complaint was received from the deceased while he was under treatment and also considering that though the petitioner has 5 previous cases, in all of the cases, he has been released on bail and considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Uthiramerur and on further conditions that:-

[a] the petitioner shall report before the Tindivanam Police Station daily at 10.30 a.m., until further orders.

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



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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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

07.08.2024

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P.DHANABAL, J.

drl

To

- 1.The Judicial Magistrate,
Uthiramerur.
- 2.The Inspector of Police,
Perunagar Police Station,
Kanchipuram District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

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