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CRL O.P. No.19424 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.19424 of 2024

Suman S/o. Ramesh

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

... Respondent

[Cr. No.291 of 2024]

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in Crime No.291 of 2024 on the file of the respondent police.



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ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 21.06.2024 for the offences punishable under Section 306 of IPC in Crime No.291 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant's daughter had love affair and both were in physical relationship. The defacto complainant suspected her daughter and when they went for medical check up, it was found that her daughter was pregnant. Immediately, the defacto complainant informed the same to the parents of the petitioner and both the family have decided to arrange marriage between the petitioner and the defacto complainant's daughter. Thereafter, when the petitioner refused to marry the defacto complainant's daughter, she committed suicide. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that admittedly the petitioner was ready to marry the deceased, however, she committed suicide by hanging herself. He



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would further submit that the petitioner has been in custody more than 50 days and he is no way connected with the alleged offence. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the deceased is aged 19 years old and in the pretext of love affair, the petitioner and the defacto complainant's daughter had intercourse and thereafter, the defacto complainant's daughter became pregnant and she committed suicide by hanging. Hence, he opposed to grant bail to the petitioner.

5. Heard both side and perused the materials available on record.

6.Considering the fact that already there is dispute in respect of marriage between the deceased and the petitioner and also the number of days of incarceration undergone by the accused, the investigation also almost completed and all other aspects, 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 **District Munsif cum Judicial Magistrate, Denkanikottai**, and on further conditions that:

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 269 B.N.S.

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To

- 1.The District Munsif cum Judicial Magistrate, Denkanikottai.
- 2.The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
- 3.Central Jail, Salem.
- 4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J



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