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CRL O.P. No.22969 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.22969 of 2024

Nishanth S/o. Baburaj ... Petitioner /Accused
Vs

State rep. by:-

The Inspector of Police,
P1 Pulianthope Police Station,
Chennai. ... Respondent
[Cr. No.478 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of
B.N.S.S., praying to grant bail to the petitioner/Accused in Crime No.478
of 2024 on the file of the respondent police.

For Petitioners : Mr.F. Wellington

For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Criminal side)

ORDER

The petitioner/Accused, who was arrested and remanded to judicial
custody on 24.08.2024 for the offences punishable under Section 108 of
B.N.S. Act in Crime No.478 of 2024 on the file of the respondent police,

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seeks bail.

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2. The case of the prosecution is that the deceased Sam Sundar and this petitioner were friends for 6 years and the said Sam Sundar committed suicide by hanging on 23.08.2024 and the same was informed by this petitioner to the parents of the deceased, that initially the case was registered under Section 194 of B.N.S. and thereafter, on investigation and perusal of suicidal note of the deceased, cellphone messages of the both the deceased and the petitioner/accused, it came to know that there was an abetment by the accused in committing suicide and hence the Section under Section 194 of B.N.S. to Section 108 of B.N.S.. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner has been falsely implicated in this case, that based on the complaint given by the defacto complainant, false case has been registered for the offence under Section 108 of B.N.S. and the petitioner was remanded to judicial custody on 24.08.2024, that the deceased is the friend of the petitioner and he committed suicide by hanging and this



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petitioner is no way connected to that suicide committed by the deceased, that though the prosecution relying upon the suicidal note, there is no incriminating evidence as against the petitioner in the suicidal note and hence he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal side) would submit that the petitioner tortured the deceased and thereby, he abetted the deceased to commit suicide and there is a suicidal note against this petitioner and investigation is at initial stage and hence strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made on either side and considering the fact that the petitioner and the deceased are friends, that there is no any incriminating materials available as against the petitioner and even according to the suicidal note, there is no any inducement made by the petitioner to commit suicide, that there is no previous case



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pending against the petitioner and considering the incarceration of the petitioner from 24.08.2024, I am 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 **X Metropolitan Magistrate, Egmore, Chennai** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter as and when required for interrogation.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

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



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[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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 registered under Section 229A IPC.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs



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To

- 1.The X Metropolitan Magistrate, Egmore, Chennai
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, P1 Pulianthope Police Station, Chennai.
4. The Sub Jail, Saidapet, Chennai.

P.DHANABAL,J
mjs

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