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CrI.O.P.No.28344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.28344 of 2024

P.Syam Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-19, Kelambakkam Police Station,
Tambaram.
(Crime No.296 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.296 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Gayathri

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 09.10.2024 seeking bail in Crime No.296 of 2024 registered under Section 194 of BNSS and later, altered for the offence under Section 108 of BNS.



Crl.O.P.No.28344 of 2024

2. The case of the prosecution as per the de facto complainant, is that on 05.10.2024, he had received an information that his daughter/deceased, who was working in an IT company, had committed suicide by hanging in her PG, where she was staying. Based on the complaint given by the de facto complainant, a case in Crime No.296 of 2024 came to be registered under Section 194 of BNSS. Later, during the course of investigation, it came to light that the petitioner, who had a love affair with the victim/deceased, had developed intimacy with another girl and started avoiding the victim, therefore, the victim had committed suicide by hanging. Therefore, the case has been altered to one under Section 108 of BNS. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 24 years, is an innocent person and he has been falsely implicated in this case. He also submitted that the victim has committed suicide due to some other reasons and the petitioner has not abetted the victim to commit suicide. He further submitted that the petitioner is in custody from 09.10.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



Crl.O.P.No.28344 of 2024

respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner and the de facto complainant's daughter/victim were working at the same IT company and they loved each other and during such time, the petitioner had developed intimacy with another girl and severed his relationship with the victim/deceased, thereby, the victim had committed suicide by hanging. He further submitted that investigation in this case is pending.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Munsif**



CrI.O.P.No.28344 of 2024

cum Judicial Magistrate, Thiruporur, 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, everyday and 6.30 p.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 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 B.N.S.

13.11.2024

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To



CrI.O.P.No.28344 of 2024

1. The District Munsif cum Judicial Magistrate,
Thiruporur.
2. The Inspector of Police,
T-19, Kelambakkam Police Station,
Tambaram.
3. The Superintendent,
Sub Jail,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.28344 of 2024

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.28344 of 2024

13.11.2024