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Crl.O.P.No.28888 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

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

Crl.O.P.No.28888 of 2024

Aravindhkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D1, Triplicane Police Station,
Chennai.
(Crime No.424 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.424 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Nirmal Krishnan

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

ORDER

Petition seeking bail in respect of Crime No.424 of 2024 registered under Section 194(3) of BNSS and later, altered for the offence under Section 108 of BNS is on board for consideration.



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2. The incarceration of the petitioner being from 23.10.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that four years back, the petitioner, who is the husband of the victim/deceased, married the de facto complainant's daughter/victim against the wishes of the de facto complainant and since they were not having children, the victim was depressed by the fact of not having a child and due to the same, she had committed suicide by hanging. He further submits that due to the enmity against the petitioner, the de facto complainant had given a false complaint as if the petitioner had abetted the victim to commit suicide. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the de facto complainant, who is the father of the victim/deceased, had lodged a complaint stating that since his daughter did not have any issues, her husband/petitioner herein had harassed her and due to the continuous harassment by the petitioner, the victim had committed suicide by hanging. He further



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submits that based on the complaint given by the de facto complainant, the present case came to be registered and further, RDO enquiry is pending in this case.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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 **Metropolitan Magistrate No.II, Egmore, Chennai**, 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 at 06.30 p.m., until further orders ;

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



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[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1. The Metropolitan Magistrate No.II,
Egmore, Chennai.
2. The Inspector of Police,
D1, Triplicane Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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