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Crl.O.P.No.28900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

Crl.O.P.No.28900 of 2024

A.Rabi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T6, Peerankaranai Police Station,
Tambaram, Chennai - 600 063.
(Crime No.459 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.459 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.John Sathyan, Senior Advocate
for Mr.T.A.Narendar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 23.10.2024 seeking bail in Crime No.459 of 2024 registered under Section 194(3) of BNSS and later, altered for the offence under Section 108 of BNS.



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2. The case of the prosecution as per the de facto complainant/Dinesh, is that his sister-in-law/deceased was given in marriage to the petitioner herein on 03.09.2023 and they were living in Chennai. On 21.10.2024, he had received an information that his sister-in-law/deceased had committed suicide by hanging. Based on the complaint given by the de facto complainant, a case in Crime No.459 of 2024 came to be registered under Section 194(3) of BNSS. Later, during the course of investigation, it came to light that the pregnancy of the victim/deceased was aborted and for the same, she was blamed by her husband/petitioner and his family members, thereby, 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 Senior Counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that due to the medical anomalies, the pregnancy of the victim was terminated and she was depressed by the same, thereby, she had committed suicide and the petitioner has not abetted the victim to commit suicide. He further submitted that there is no material to show that the petitioner had abetted the



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victim to commit suicide, however, the petitioner is in custody from 23.10.2024.

Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner, who is the husband of the victim/deceased, and his family members had blamed the victim for her pregnancy termination, due to which, the victim had committed suicide by hanging and she had also left suicide note.

5. Heard the learned Senior 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.



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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 **Judicial Magistrate No.I, Tambaram**, 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 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.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



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can be registered under Section 269 of B.N.S.

20.11.2024

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To

1. The Judicial Magistrate No.I,
Tambaram.
2. The Inspector of Police,
T6, Peerkankaranai Police Station,
Tambaram, Chennai - 600 063.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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