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CrI.OP.No.10141 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.10141 of 2025

Vishva Aravind

... Petitioner(s) /Accused

Vs.

State rep. by
The Inspector of Police,
CBCID - Erode,
Erode District.
Crime No.1 of 2025

... Respondent(s)/ Complainant

Thavamani ... Defacto Complainant
[Permitted to intervene vide order dated 23.04.2025
made in CrI.MP.No.7305 of 2025 in CrI.OP.No.10141 of 2025]

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to
enlarge the petitioner on bail in Crime No.1 of 2025, on the file of the
respondent police.

For petitioner(s) : Mr.R.C.Paul Kanagaraj
for Mr.W.Camyles Gandhi

For Intervenor : Mr.M.Venkatachalam



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

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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 15.03.2025, seeking bail in Crime No.1 of 2025, registered for the offences under Section 174 of Cr.P.C r/w Sections 5(l) and 6(l) of POCSO Act, Section 306 of IPC and Section 9 of POCM Act.

2. It is the case of the prosecution that the petitioner and the victim girl, aged 17 years, were in a love affair; that the relationship between the petitioner and the victim girl turned sour; that thereafter, the victim girl committed suicide by hanging; that initially, a case was registered by the Modakurichi Police Station under Section 174 of Cr.P.C; that, pursuant to the orders of this court in Crl.OP.No.22035 of 2025, the case was transferred to the respondent/CBCID, and the offence was altered to Section 306 of IPC. The petitioner was arrested on 15.03.2025. Hence, the case.

3. The learned counsel for the petitioner submitted that it is true that the



petitioner and the victim girl had a love affair; that the petitioner is not guilty of abetment of suicide; that since the relationship between the petitioner and the defacto complainant became strained, the victim girl committed suicide; and that in any case, considering the period of incarceration, further custody of the petitioner is not required and sought for bail to the petitioner.

4. The learned counsel for the defacto complainant vehemently opposed the grant of bail to the petitioner, by stating that the investigation revealed that the last call, before the victim girl committed suicide was made to the petitioner; that since the petitioner is the son of a Sub-Inspector of Police, the earlier investigating agency did not take any action; that pursuant to the directions of this court, the CBCID has taken up the investigation; and that the petitioner's relatives are threatening the defacto complainant and others, and a case in Cr.No.15 of 2025 on the file of the Namagiripettai Police Station is pending and therefore, submitted that the petitioner is not entitled to bail.



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5. (i) The learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of bail to the petitioner and also filed a counter-affidavit.

(ii) The learned Government Advocate further submitted that during the investigation, the mobile phones were seized, which revealed the conversation between the victim and the petitioner; that those conversation revealed that the petitioner abused the victim girl in filthy language and accused the victim girl of infidelity, due to which the victim was upset and committed suicide.

6. The fact that the petitioner and the victim girl had a love affair is not disputed. The victim girl committed suicide on 27.04.2024. The case, which was initially investigated by the Modakurichi Police Station, was subsequently transferred to the CBCID, and thereafter, the petitioner was arrested. The allegations reveal that the relationship between the petitioner and the victim girl turned sour after which the petitioner had abused the victim girl in filthy language and is said to have humiliated her. It is for the prosecution to establish in the trial that the petitioner had abetted the



commission of suicide.

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7. Considering the aforesaid facts, the nature of the allegations, the period of incarceration, and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

8. It is also seen that Crime No.15 of 2024 pertains to an offence allegedly committed by the uncle of the accused against the defacto complainant's brother-in-law. There is nothing to suggest that any threat was made in connection with this case. However, it is needless to state that if the petitioner or his relatives issue any threat in the future, it is open to the defacto complainant to file a petition seeking cancellation of bail

9. 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 Sessions, Magalir Neethi Mandram (Fast Track Mahila Court), Erode,**



and on further conditions that:

WEB COPY [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;

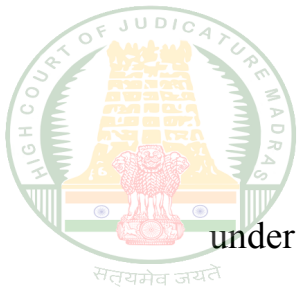
[b] the petitioner shall stay at Coimbatore and report before the C2- Race Course Police Station, Coimbatore everyday at 10.30 a.m., except the hearing dates and before the trial court on all hearing dates until further orders;

[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



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under Section 269 B.N.S.

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23.04.2025

Index : Yes/No (2/2)
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police,
CBCID – Erode, Erode District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned Sessions, Magalir Neethi Mandram
(Fast Track Mahila Court), Erode.
4. The Superintendent of Prison,
Central Prison, Coimbatore.



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SUNDER MOHAN, J.

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