



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Third day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3806 of 2015

SIVA

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
NESAMONY NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.7/2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.XAVIER RAJINI Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.01.2015 for the offence punishable under Sections 498(A) and 306 IPC in Crime No.7 of 2015 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner got married to the deceased on 27.06.2013 and there was matrimonial discord between them on account of which, they were estranged and the deceased was living in her parents house and thereafter on account of the intervention of the elders, the spouses re-united and the deceased came to the house of the petitioner and started living. It appears that the relationship did not improve. On 06.01.2015, the deceased opened the cooking gas cylinder and lighted a matchstick on account of which, she suffered extensive burn injuries and died. According to the prosecution, she committed suicide. Be that as it may, the Revenue Divisional Officer's enquiry clearly exonerates the petitioner for the offence under Section 304(B) IPC. The petitioner was arrested on 12.01.2015 and he is in incarceration since then. Under such circumstances, this Court is inclined to grant bail to the petitioner, but with conditions.

3. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, No.II, Nagercoil Kanyakumari District, and on further condition that:

[a] the petitioner shall report before the respondent police everyday daily at 06.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] 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]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether these petitioner is complying with the condition or not.

sd/-

03/03/2015

WEB COPY

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- 4 THE INSPECTOR OF POLICE, NESAMONY NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.

+1. CC to M/S.S.XAVIER RAJINI Advocate SR.No.9921

ORDER IN

CRL OP(MD) No.3806 of 2015

Date :03/03/2015

PBK 03/03/2015 ::2P-7C: