

CRL.O.P.No.22761 of 2016

S.VAIDYANATHAN, J

The petitioner, who was arrested and remanded to judicial custody on 20.07.2016 for the alleged offence punishable under Section 306 IPC in Crime No.834 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 lived together with the deceased-Deepa, who committed suicide due to torture of the petitioners/A2 and A3 and also A1.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. Learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against them and they are in custody for the past more than 70 days. He further submitted that A1 (co-accused) was released on bail by this Court, by order dated 04.10.2016 in Crl.O.P.No.22116 of 2016.

5. Considering the facts and circumstances of the case and the period of incarceration undergone by the petitioner, and also taking note of the fact that the petitioner is in jail for more than 70 days and the fact that co-accused (A1) was released on bail, as stated above, this Court is of the view that custodial interrogation of the petitioner is not required at this stage. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(i) the petitioners shall execute 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, Thiruvotriyur.

(ii) the petitioners are directed to appear before the respondent police

daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation by the respondent police;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) upon breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as if the conditions have been imposed and the petitioners were released on bail by the Magistrate himself/Trial Court, as laid down by the Supreme Court in the case of P.K.Shaji Vs. State of Kerala (AIR 2005 SCW 5560).

S.VAIDYANATHAN,J

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06.10.2016