



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of June Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10414 of 2016

WEB COPY

PREMKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT,
CR NO. 128/2016.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S K.M.KARUNAKARAN Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 31.05.2016 for the alleged offences punishable under Sections 306 of IPC, in Crime No.128 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the marriage between the petitioner and the deceased was solemnized in the year 2002 and in the wedlock two children were born. The petitioner developed illicit intimacy with another lady. Due to that, the daughter of the defacto complainant committed suicide. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Due to ill-health, mental depression and due to the frequent discussion with the defacto complainant, the deceased took extreme step and committed suicide and there is no allegation that the petitioner and his family members demanded dowry.

4.The learned Government Advocate(Crl.side) submitted that the petitioner had developed illicit intimacy with another lady. Due to that, the deceased committed suicide. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 31.05.2016, this Court is inclined to enlarge the petitioner on bail



with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thanjavur.
- (ii) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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].

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

sd/-

28/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, THANJAVUR
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT
- 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S K.M.KARUNAKARAN Advocate SR.Nos.33470 & 33566

am

JM/AAL-MPA/SAR-III/28.06.2016/2P-8C

ORDER

IN

CRL OP(MD) No.10414 of 2016

Date :28/06/2016