



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11691 of 2016

GAJENDRAN

... PETITIONER/ACCUSED

Vs

STATE REB.BY

THE INSPECTOR OF POLICE

KOODALPUDUR POLICE STATION,

MADURAI DISTRICT,

CR NO. 723 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.ANANTHA PADMANABAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

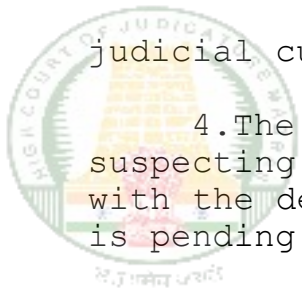
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused, who was arrested and remanded to judicial custody on 04.06.2016 for the alleged offences punishable under Sections 498(A) and Section 4 of TNPWH Act and subsequently, altered into 304(b) of IPC, in Crime No.723 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 defacto complainant was solemnized on 31.08.2014. A male child was born in the wedlock. The petitioner suspected the character of the deceased and birth of the male child. Due to that there was a frequent quarrel between the deceased and the petitioner. The petitioner went to the parents house at Madurai Refugee camp and consumed Super Vasmol and she was admitted in the hospital on 21.05.2016 and she died on 02.06.2016. Initially a case was registered under Section 498(A) of IPC and Section 4 of TNPWH Act and subsequently altered into 304(b) of IPC.

3.The case of the petitioner is that after the marriage, both petitioner and deceased lived together in Salem Refugee camp. The petitioner is not having any permanent job. The deceased compelled the petitioner to come to her parents house. When he petitioner refused for the same, the deceased attempted to commit suicide by hanging herself and that was stopped by the neighbours and she promised that she will not attempt suicide in future. When she was in her parents house, she committed suicide by consuming Super Vasmol. After enquiry, the report of the Revenue Divisional Officer reveals that there is no dowry harassment. The petitioner is in



judicial custody from 04.06.2016.

4.The learned Government Advocate (Crl.side) submitted that suspecting the character of the deceased, the petitioner quarrelled with the deceased. Due to that, she committed suicide. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that as per the report of the Revenue Divisional Officer there is no dowry harassment and contention of the learned counsel for the petitioner that earlier occasion also the deceased attempted to commit suicide and the petitioner is in judicial custody from 04.06.2016, 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:

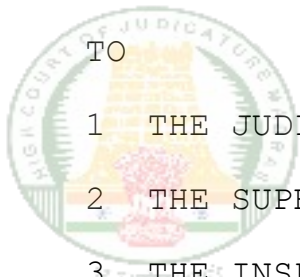
- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate-cum-Additional Mahila Court, Madurai.
- (ii)the petitioner shall report before the respondent police daily at 10.30 a.m., 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/-

14/07/2016

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAISTRATE-CUM-ADDITIONAL MAHILA COURT, MADURAI.
- 2 THE SUPERINTENDENT CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE KODALPUDUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S N.ANANTHA PADMANABAN Advocate SR.No.36524

ORDER

IN

CRL OP (MD) No.11691 of 2016

Date :14/07/2016

SDR/NGM-MP/SAR I/14.07.2016/3P/6C