



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.12879 of 2016

1 SELVAM @ CHINNASAMY
2 KARUPPAYEE
3 BALU

... PETITIONER / A1 to A3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
THENI DISTRICT.
CRIME NO. 317 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.MOHAMED RAFI Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

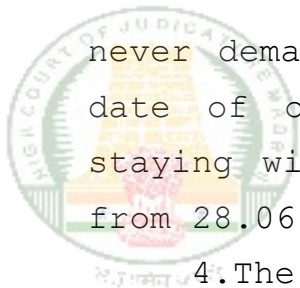
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused were arrested and remanded to judicial custody on 28.06.2016 for the alleged offences punishable under Sections 174(3) @ 306 of IPC in Crime No.317 of 2016, on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that the daughter of the defacto complainant and first petitioner got married before 5 years and a female child was born in the wedlock. After marriage, the first petitioner without going for any work tortured the daughter of the defacto complainant, due to that, she left the matrimonial home and staying with her parents and on 26.06.2016, she committed suicide by hanging. On complaint, a case has been registered for the above said offences.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners



never demanded dowry from the deceased and 1 ½ years prior to the date of occurrence, she left the matrimonial home and she was staying with her parents. The petitioners are in judicial custody from 28.06.2016 and prays for enlarging the petitioners on bail.

4. The learned Government Advocate (Crl.side) produced a RDO report and submitted that in the RDO enquiry it has been stated that there was no dowry death and the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody from 28.06.2016, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) Each of the 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, Periyakulam, Theni District.
- (ii) the first petitioner shall appear before the respondent Police daily at 10.00 am until further orders and the petitioners 2 and 3 shall appear before the respondent Police as and when required for interrogation.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners 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 petitioners 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**



WEB COPY

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 petitioners are complying with the condition or not.

sd/-
09/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT
 - 3 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
THENI DISTRICT.
 - 4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI
 - 5 THE SUPERINTENDENT
CENTRAL PRISON FOR WOMEN, MADURAI
 - 6 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.M.MOHAMED RAFI Advocate SR.No.42890
- JAM/09.08.2016/NGM-MP/SAR AE/3P-8C

ORDER
IN
CRL OP(MD) No.12879 of 2016
Date :09/08/2016