



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13681 of 2016

S.BALAKRISHNAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY THE SUB INSPECTOR OF POLICE
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.79 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.SELVAN 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 :-

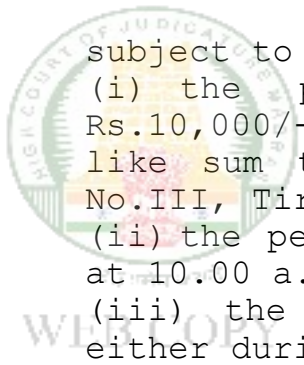
The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 22.06.2016 for the alleged offence punishable under Section 306 IPC, in Crime No.79 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner and deceased are husband and wife. Due to family dispute, the petitioner shouted the deceased and therefore the deceased poured kerosene and set fire herself and died. On complaint, a case has been registered for the above said offence.

3.The case of the petitioner is that the petitioner and deceased got married before 30 years and the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The brother of the deceased has given a false complaint. The petitioner is in judicial custody from 22.06.2016.

4.The learned Government Advocate (Crl. side) submitted that due to family dispute, the petitioner shouted the deceased and therefore the deceased poured kerosene and set fire herself and died. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the nature of allegation made against the petitioner and the petitioner is in judicial custody from 22.06.2016, 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli.

(ii) the petitioner shall report before the respondent police daily at 10.00 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/-

03/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE SUB INSPECTOR OF POLICE, SIVANTHIPATTI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT OF PRISON, CENTRAL JAIL, PALAYAMKOTTAI.

+1. CC to M/S.T.SELVAN Advocate SR.No.41658

JA-AA-MPA-SAR.CO/03.08.2016/2P:7C

ORDER

IN

CRL OP(MD) No.13681 of 2016

Date :03/08/2016