



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

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.14632 and 14625 of 2016

1 VILCITTAL

2 AMALA PUSHPAM

... PETITIONERS/ACCUSED NOS.2&3 IN
BOTH THE PETITIONS

Vs

STATE OF TAMIL NADU

REPRESENTED BY

THE INSPECTOR OF POLICE

THUCKALAI POLICE STATION,

KANYAKUMARI DISTRICT.

(CRIME Nos.298 and 505 OF 2016)

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S S.TITUS Advocate in both the Petitions

For Respondent : M/S.P.KANNITHEVAN,

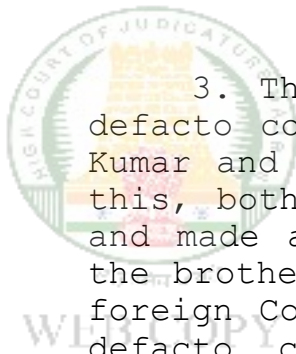
Government Advocate (Crl. Side) in both the Petitions

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 08.06.2016, for the alleged offences punishable under Section 174 Cr.P.C @ 306 and 506(i) of IPC in Crime No.298 of 2016 and under Sections 294(b), 323, 506(ii) and 313 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.505 of 2016 respectively, on the file of the respondents police and hence, seek bail.

2. The case of the prosecution is that the defacto complainant and A1 are husband and wife. A1 was working in foreign country and immediately after marriage also he went foreign country for job. The defacto complainant's father addicted to alcohol and after consuming alcohol, he used to quarrel with her mother and on 08.04.2016, the defacto complainant was talking with her mother over phone, she heard that her father quarrelled with her mother and hence, the defacto complainant advised her father. On the next day i.e on 09.04.2016, the defacto complainant received call from second petitioner that her father died on consuming alcohol and on seeing that, her mother also poured kerosene and set fire on herself and due that, she died. On complaint, case has been registered for the above said offences. Subsequently, it was altered into Sections 306 and 506(i) of IPC.



3. The learned counsel for the petitioners submitted that the defacto complainant is having illicit relationship with one Justin Kumar and she was caught red handed by her husband, and in view of this, both the defacto complainant and A1 agreed to go for divorce and made an agreement on 31.05.2016 and the same was witnessed by the brother of the defacto complainant. Within two days, A1 went to foreign Country. In order to blackmail the petitioners and A1, the defacto complainant has given a false complaint against the petitioners and they are in judicial custody from 08.06.2016 and prays for enlarging the petitioners on bail.

4. The learned Government Advocate (Crl. side) submitted that the petitioners gave a false complaint against the defacto complainant to her husband / A1 who was in foreign country, that the defacto complainant was having illegal intimacy with her father and others, so that, she become pregnant and due to which, both the defacto complainant's father and mother committed suicide. He further submitted that the petitioners and A1 forcibly gave medicine to abort the pregnancy of the defacto complainant and A1 is absconding and if the petitioners are enlarged on bail they will abscond and tamper the witnesses and hamper the investigation and the investigation is in preliminary stage.

5. Considering the contention of the learned counsel for the petitioners that the parents of the defacto complainant's are residing in 30 Kilometres away from the petitioners' house and they have committed suicide on 08.04.2016 and 09.04.2016 respectively and that the petitioners are in judicial custody from 08.06.2016, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) Each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (in each cases) each for a like sum to the satisfaction of the learned Judicial Magistrate Padmanabhapuram, Kanyakumari District.
- (ii) the petitioners shall appear before the respondent Police daily at 10.00 am until further orders.
- (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**



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/-
12/08/2016

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/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE
PADMANABHAPURAM
KANYAKUMARI DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- 4.THE OFFICER-IN-CHARGE
SUB-JAIL, PADMANABHAPURAM AT THUCKALAY,
KANYAKUMARI DISTRICT
- 5.THE INSPECTOR OF POLICE
THUCKALAI POLICE STATION,
KANYAKUMARI DISTRICT.

+2. CCs to M/S S.TITUS, Advocate, SR.Nos.44070 and 44071

RL/8C/3P/SKS/SK/SARI/12/8/2016

ORDER
IN
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14625 of 2016
Date :12/08/2016