



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

Wednesday, the Fourteenth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23294 of 2016

PERIYANAYAKI

... PETITIONER / ACCUSED No.2

Vs

State through
THE INSPECTOR OF POLICE,
CHETTINADU POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.70 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BALAMURUGAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 07.11.2016, for the offence punishable under Sections 498(A) and 306 of IPC., in Crime No.70 of 2016, on the file of the respondent police, seek bail.

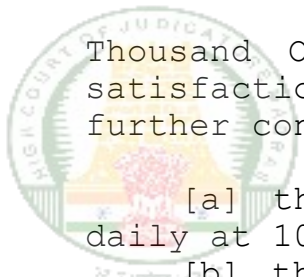
2. The case of the prosecution is that due to torture and cruelty by the petitioner, the deceased committed suicide.

3. The learned counsel appearing for the petitioner/A2 would submit that the petitioner is an innocent and he has been falsely implicated in this case.

4. The learned Government Advocate (crl.side) for the respondent would submit that totally there are six accused in this case. A1 was arrested and released on bail by this Court vide order dated 08.12.2016 made in Crl.O.P(MD)No.23107 of 2016; A4 to A6 were granted anticipatory bail by this Court in Crl.O.P(MD)No.21730 of 2016.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Karaikudi and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m., until further orders, for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

sd/-

14/12/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

4 THE INSPECTOR OF POLICE,
CHETTINADU POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.BALAMURUGAN Advocate SR.No.80788

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ORDER

IN

CRL OP(MD) No.23294 of 2016

Date :14/12/2016