



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

Friday, the Twenty Third day of December Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.23854 of 2016

1 IYER

2 RAJANGAM

... PETITIONERS/A1 and A2

Vs

STATE REPRESENTED THROUGH

THE INSPECTOR OF POLICE

ELUMALAI POLICE STATION, MADURAI DISTRICT

(CRIME NO.277 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.JAYARAMACHANDRAN Advocate

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

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

ORDER : The Court Made the following order :-

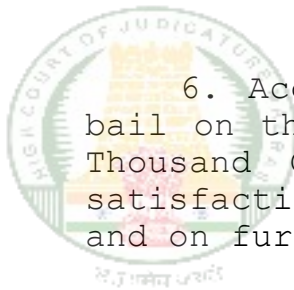
The petitioners, who were arrested and remanded to judicial custody on 10.11.2016, for the offences punishable under Section 174(3) of Cr.P.C., altered into Section 306 of IPC., in Crime No.277 of 2016, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners abetted the deceased to commit suicide.

3. The learned counsel for the petitioners would submit that initially the case was registered under Section 174(3) of Cr.P.C., and thereafter, the said Section was altered into Section 306 of IPC., after the deceased committed suicide by consuming poison before the Panchayators.

4. The learned Government Advocate (crl.side) appearing for the respondent submitted that totally there are seven accused in this case. The petitioners are A1 and A2 respectively son and father and the first petitioner is the husband of the deceased; A4 to A6 were already granted anticipatory bail by this Court in Crl.O.P.(MD) No.22483 of 2016, dated 28.11.2016; A7 was granted anticipatory bail by this Court in Crl.O.P.(MD)No.21777 of 2016, dated 16.11.2016.

5. Considering the above facts and circumstances of the case and also considering the fact that the co-accused were already granted anticipatory bail by this Court and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners subject to certain conditions.



6. Accordingly, the petitioners are ordered to be released on bail on their 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 No.II, Usilampatti and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders, for interrogation.

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

[c] the petitioners 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 petitioners 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 [(2005)AIR SCW 5560]**.

sd/-
23/12/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

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

4.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

5.THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION, MADURAI DIST

+1. CC to M/S.A.JAYARAMACHANDRAN Advocate SR.No.83274

RL/7C/CK/SAR3/23.12.2016