



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

Wednesday, the Tenth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.2406 of 2016

DHARMARAJ

... PETITIONER/ ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR. NO.109/2009

... RESPONDENT / COMPLAINANT

For Petitioner : M/S P.KALAIYARASI BHARATHI Advocate

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

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

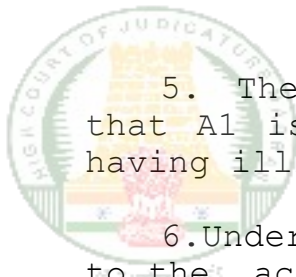
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.01.2016 for the offences punishable under Section 306 IPC in Crime No.109 of 2009, on the file of the respondent police, seeks bail.

2. Heard Ms.P.Kalaiyarasi Bharathi, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State. Mr.M.Kandhakrishnan, Special Sub Inspector of Police, Alangulam Police Station, Virudhunagar is present.

3.This is the second bail application. It is seen that A1/Narmadha and this petitioner were having illicit intimacy, on account of which, Narmadha's husband committed suicide. The petitioner was earlier released on bail. After completing the investigation, the police filed final report before the Judicial Magistrate, No.2 Sattur in PRC No.18 of 2013 and non bailable warrant has been issued against both A1 and A2, who are absconding. The police were able to execute the non bailable warrant and arrested the petitioner only on 12.01.2016. Committal proceedings is also not yet over.

4. The learned counsel for the petitioner submitted that since A1 is still absconding, committal is not taking place.



5. The learned Government Advocate, on instructions, submits that A1 is also in custody of this petitioner, as they have been having illicit intimacy.

6. Under such circumstances, this is not a fit case to grant bail to the accused. However, the Judicial Magistrate, NO.II, Sattur is directed to expeditiously conduct the committal proceedings and if the police is not able to secure A1, within a reasonable time, the case can be split up and this petitioner (A2) can be committed to the Sessions Court.

With the above observations, this petition is dismissed.

sd/-
10/02/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 5 THE OFFICER INCHARGE
DISTRICT PRISON, VIRUDHUNAGAR

+1. CC to M/S P.KALAIYARASI BHARATHI Advocate SR.No.8042

ORDER
IN
CRL OP(MD) No.2406 of 2016
Date :10/02/2016

RG.NGM-SS/SAR-I 10.02.2016 2P/7C