



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

Thursday, the Third day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP (MD) No.18372 of 2016

MURUGESAN

... PETITIONER / ACCUSED-1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI,
CRIME NO. 627 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PALANIRAJA, Advocate

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

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

ORDER : The Court Made the following order :-

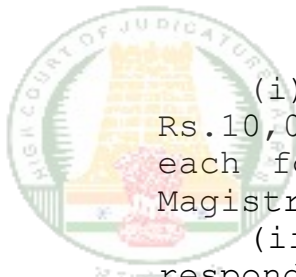
The petitioner / A1, who was arrested on 17.08.2016 for the offences punishable under Sections 294(b), 354, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.627 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the de facto complainant are husband and wife. Due to matrimonial dispute, on 16.08.2016 at about 4.00 a.m., the petitioner poured kerosene on her own and set fire and she died on the same day in hospital. Based on her statement, the present case has been registered against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 17.08.2016 onwards.

4.The learned Government Advocate(Crl. Side) would submit that already A2 was enlarged on bail. He further submitted that investigation is still pending.

5.Considering the facts and circumstances of the case and taking note of the fact that the petitioner is in custody for more than 75 days, this Court is inclined to grant bail to the petitioner. 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 Judicial Magistrate No.IV, Tirunelveli;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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 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/-

03/11/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE, TIRUNELVELI JUNCTION POLICE STATION, TIRUNELVELI.
 - 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.PALANIRAJA, Advocate SR.No.65258.

ORDER IN
CRL OP(MD) No.18372 of 2016
Date :03/11/2016

msm/pv/sar3/04.11.16/p2/7c