

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

Friday, the Twentieth day of May Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) No.8064 of 2016

KARTHIKEYAN

... PETITIONER / ACCUSED NO.1

Vs

The State rep.by
THE INSPECOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL DISTRICT,
CR. NO. 274 OF 2016.

... RESPONDENT / COMPLAINANT

S.UMATHANGAM

... INTERVENOR

For Petitioner : Mr.Veerakathiravan, Senior counsel for
M/s.AL.Kannan Advocate

For Respondent : Mrs.S.Prabha, Govt. Advocate (Crl. Side)

For Intervenor : Mr.S.POORNA CHANDRAN, Advocate

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 23.04.2016, for the offences punishable under Section 174 of Cr.P.C. altered to Sections 420, 498(A) and 306 of I.P.C., in Crime No.274 of 2016, on the file of the respondent Police, seeks bail.

2. Heard Mr.Veera Kathiravan, learned Senior Counsel appearing for the petitioner /Accused No.1, Mrs.S.Prabha, learned Government Advocate (Criminal Side) appearing for the State and Mr.S.Poorna Chandran, learned counsel appearing for the intervenor.

3.The petitioner is arrayed as A1 in Crime No.274 of 2016, who is none other than the husband of the deceased Vanathi and son-in-law of the deceased Somasundaram. On perusal of the FIR and from the argument of the petitioners, there is no whisper about the harassment of the petitioner on the deceased persons soon before their death. The petitioner's wife, deceased Vanathi is stated to be residing in her parental home for about four months before the alleged occurrence. Though the intervenor argued that there is some reference as to the suicidal notes, no such suicidal notes have been placed before this Court. The learned Government Advocate (Crl.

Side) submitted that this petitioner was not present in his in-laws' house at the time of occurrence which is evident from the complaint. The complainant is none other than the mother-in-law of the petitioner who has also not complained anything against the petitioner. Moreover, the petitioner is a law graduate and practising Advocate.

4. On considering the above facts and also taking into account the fact that the records have already been seized by the police, there is no possibility of tampering with the records by the petitioner on his release and therefore, this Court is of the view that this is a fit case to grant bail to the petitioner / Accused No.1. Accordingly, he is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner / Accused No.1 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Dindigul.
- (ii) the petitioner / Accused No.1 shall report before the respondent police daily at 10.30 a.m. until further orders.
- (iii) the petitioner shall cooperate with the investigation officer for interrogation as and when called for.
- (iv) the petitioner / Accused No.1 shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioner / Accused No.1 shall not abscond either during investigation or trial.
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner / Accused No.1 in accordance with law as if the conditions have been imposed and the petitioner / Accused No.1 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/-
20/05/2016

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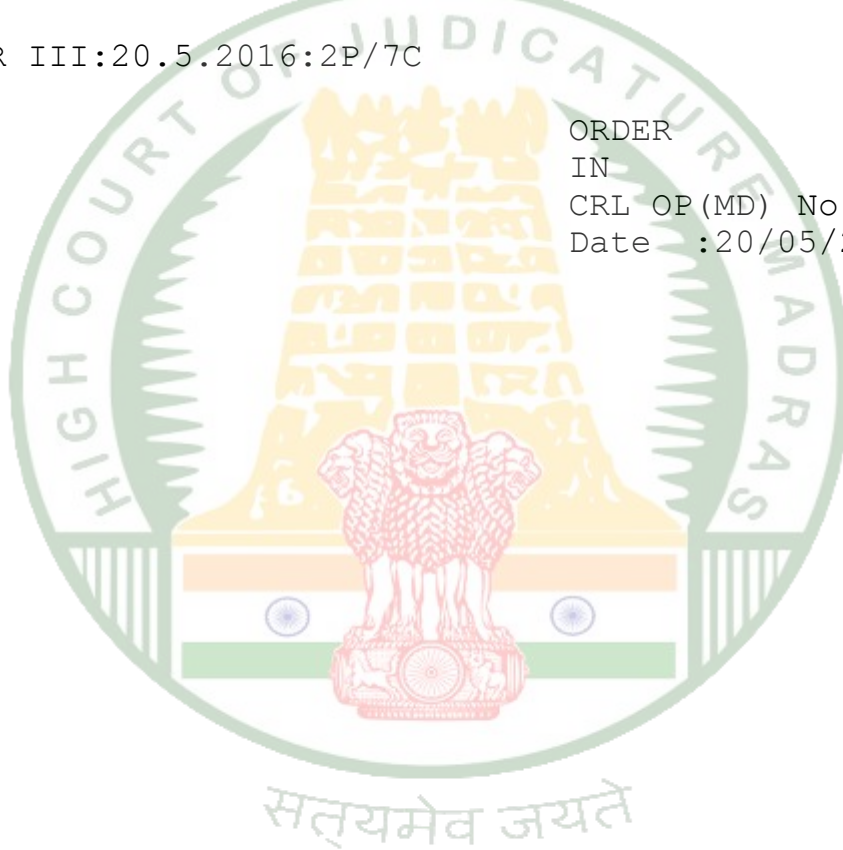
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, DINDIGUL
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
- 3 THE INSPECOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION, DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGES, SUB JAIL, DINDIGUL

+1. CC to M/S AL.KANNAN Advocate SR.No.26790

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ORDER
IN
CRL OP (MD) No.8064 of 2016
Date :20/05/2016

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