



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

Thursday, the Seventh day of December Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16100 of 2017

J.JUDU @ JUDU ARTHAR OBATE

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,TRICHY CITY.
CRIME NO. 1631/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.JOEL PAUL ANTONY, Advocate
For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

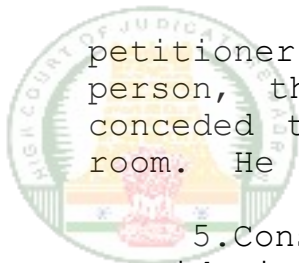
ORDER : The Court Made the following order :-

The petitioner/accused No.1, who was arrested and remanded to judicial custody on 12.10.2017 for the alleged offences punishable under Sections 174 of Cr.P.C. @ into Section 306 of IPC., in Crime No.1631 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased person, by name, Thenmozhi, went to Trichy along with her child and booked a room No.9 in a hotel at Trichy, in which she has committed suicide. Initially, though a case was registered under Section 174 of Cr.P.C subsequently, after investigation it was altered to Section 306 of I.P.C. During investigation it came to light that one Judu the petitioner herein, who married the deceased person suppressing his first marriage, lived with the deceased person in Coimbatore. Thereafter, the petitioner went to his native place Trichy. Since the petitioner has not returned back to Coimbatore, the deceased person with her child went to Trichy and booked a room in a hotel at Trichy. Thereafter, she had committed suicide as the petitioner refused to live with her.

3.The learned counsel for the petitioner would submit that no suicide note was recovered from the deceased person. Only on the basis of the deposition of the deceased person's father, the petitioner was implicated in the above said crime. The petitioner did not commit any offence as alleged by the prosecution. Mere hearsay evidence will not amount to Commission of offence under Section 306 of IPC.

4.The learned Government Advocate (Crl.side) would submit that suppressing the earlier marriage, the petitioner married the deceased person and since the deceased person questioned the



petitioner about the same, the petitioner abused the deceased person, thereby she had committed suicide. However, he fairly conceded that there is no suicide note recovered from the hotel room. He further submits that the investigation is completed.

5. Considering the facts and circumstances of the case and also considering the submission of the learned Government Advocate (Crl. Side), since the petitioner is in judicial custody for more than two months, I am inclined to grant bail to the petitioner with certain conditions. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Trichy;
- (ii) the petitioner shall report before the investigation officer, twice daily at 10.30 a.m. and 5.00.p.m, until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall make herself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) 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 and the bail granted stands cancelled automatically.

sd/-
07/12/2017

/ TRUE COPY /

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

TO

- 1. THE JUDICIAL MAGISTRATE NO.II, TRICHY.
- 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4. THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY CITY.
- 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.JOEL PAUL ANTONY Advocate SR.No.35775

ORDER IN
CRL OP(MD) No.16100 of 2017
Date : 07/12/2017