



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

Tuesday, the Fourth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8364 of 2017

NAINAR

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION, DINDIGUL,
(CRIME NO. 161/2017) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.RAMESHKUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

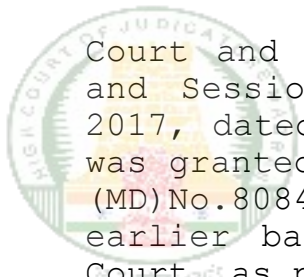
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 19.05.2017, for the offence punishable under Section 174 of Cr.P.C., and altered into Section 306 of IPC., in Crime No.161 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased and A1 are having lover affairs for the past nine years and the deceased has aborted twice and thereafter, A2 was said to have married another girl. The deceased has undergone dialysis and she came from Chennai to the house of A1 and there was wordy quarrel between A1 and the accused in this case. Then, she has committed suicide by removing the A.V- medical line fixed on her body and the investigation is still pending.

3. The learned counsel appearing for the petitioner states that sister of the deceased is the complainant in this case. The petitioner herein has never committed any offence, as alleged by the prosecution and the deceased was taking treatment for Thyroid at the time of occurrence and she herself removed the said A.V. medical line without knowing the consequent and hence. she died. The petitioner was arrested and is in custody from 19.05.2017.

4. The learned Additional Public Prosecutor appearing for the respondent states that there are totally four accused in this case and the petitioner has been arrayed as A3, who is maternal uncle of A1. He would further submit that A1 has been granted bail by this



Court and A2 has also been granted bail by the Principal District and Sessions Court, Dindigul, as per order in Cr.M.P.No.1110 of 2017, dated 21.06.2017. A4 is the mother of the first accused, who was granted anticipatory bail by this Court, as per order in CrI.O.P (MD)No.8084 of 2017, dated 29.06.2017. He also submitted that the earlier bail application of the petitioner was dismissed by this Court, as per order in CrI.O.P(MD)No.7043 of 2017, dated 12.06.2017.

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

6. Accordingly, the petitioner is ordered to be released on bail on his 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.III, Dindigul, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders, for interrogation.

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

[c] the petitioner 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 petitioner in accordance with law, as if the conditions have been imposed and the petitioner 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/-

04/07/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III DINDIGUL.
- 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION, DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.25826

ORDER IN

CRL OP(MD) No.8364 of 2017

Date :04/07/2017