



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

Tuesday, the Thirty First day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.895 of 2017

VIJAY

... PETITIONER/ACCUSED No.1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
PERUNGUDI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.332 OF 2016)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.K.C.RAMALINGAM, ADVOCATE

FOR RESPONDENT : Mr.P.KANDASAMY, GOVERNMENT ADVOCATE (CRL. SIDE)

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

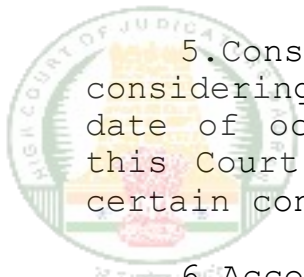
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 27.12.2016 for the offences punishable under Section 174 IPC @ 306 IPC in Crime No.332 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased are husband and wife and due to some dispute between them, the deceased committed suicide by hanging.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is working as a Teacher in Velammal Metric Higher Secondary School, Madurai and on the date of occurrence, the petitioner was not available in house and the deceased has committed suicide by hanging. He further submitted that the deceased is the 2nd wife of the petitioner and prior to occurrence, there was a quarrel between the petitioner and the deceased. He also submitted that in RDO report, there is no mentioned regarding dowry harassment.

4.The learned Government Advocate (crl.side) appearing for the respondent submitted that totally there are 2 accused in this case and the petitioner is A1, who is the husband of the deceased and A2 is the mother of the petitioner. He also submitted that A2 was enlarged on bail by the concerned Sessions Court and investigation is still pending.



5.Considering the facts and circumstances of the case and also considering the fact that both the accused are not available on the date of occurrence and also considering the period incarceration, 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.VI, Madurai, and on further condition that:

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

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

[c] the petitioner shall not abscond during 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/-

31/01/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.K.C.RAMALINGAM Advocate SR.No. 5057

ORDER IN

CRL OP(MD) No.895 of 2017

Date :31/01/2017