



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

Wednesday, the Nineteenth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9249 of 2017

MOOKKETTU

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.87/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.JEYAKUMAR Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

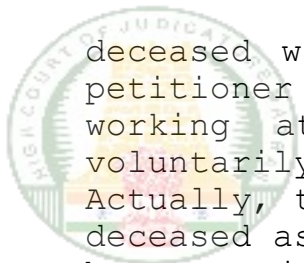
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 30.05.2017, initially for the offence under Section 174 Cr.P.C., and later altered into one under Section 306 of IPC., in Crime No.87 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is having illicit intimacy with the deceased and the husband of the deceased conducted a Panchayat, in which, he has disclosed the illicit intimacy of the deceased with the petitioner and hence, the deceased was induced to commit suicide by consuming poison.

3. The learned counsel appearing for the petitioner states that the above said case has been registered against the petitioner and others, initially for the offence under Section 174 of Cr.P.C., and thereafter, the said Section was altered into one under Section 306 IPC., as per the investigation by the respondent. There is no allegation against the petitioner regarding abetment and inducement of the deceased to commit suicide because of the alleged illicit intimacy with the petitioner herein. The husband of the deceased alone has induced the deceased by conducting a Panchayat against the deceased, in which, he has disclosed the alleged intimacy of the



deceased with the petitioner herein. He also submitted that the petitioner has not present in the scene of occurrence and he was working at Kerala, since March 2017. While the petitioner voluntarily appeared before the respondent Police, he was arrested. Actually, the husband of the deceased had serious suspicion over the deceased as regards her morality and he used to torture the deceased by comparing her intimacy with the petitioner and therefore, there was quarrel among them and there is no material to show that the petitioner has also same intention of committing suicide as that of the deceased. The petitioner was arrested and remanded to judicial custody on 30.05.2017.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that earlier the case was registered under Section 174 Cr.P.C., against the five accused in which the petitioner is shown as A1 and during investigation, the case was altered into one under Section 306 of IPC., against the petitioner alone and the remaining accused were deleted. He would further submit that the petitioner is having illicit intimacy with the deceased and the husband of the deceased conducted a Panchayat, in which, he has disclosed the illicit intimacy of the deceased with the petitioner and hence, the deceased was induced to commit suicide by consuming poison and the investigation is still pending. It is further stated that the deceased gave a complaint previous in Crime No.37 of 2017 against the petitioner herein for the offence under Sections 147, 323 and 324 of IPC., and under Section 4 of Women Harassment Act.

5. Considering the above facts and circumstances of the case and also the alleged reason for alteration of the offence from Section 174 Cr.P.C., into one under Section 306 of IPC., without any abetment or inducement of the petitioner herein to commit suicide by the deceased herein and also the period of incarceration of the petitioner in jail, 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.II, Usilampatti, Madurai District, 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/-

19/07/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,USILAMPATTI, MADURAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
M.KALLUPATTI 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.B.JEYAKUMAR Advocate SR.No.26850

CSL/PM-PN/SAR-II/20.07.2017 : 3P/7C

ORDER

IN

CRL OP(MD) No.9249 of 2017

Date :19/07/2017