



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

Wednesday, the Thirty First day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1489 of 2018

SARAVANAN

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VENGAMEDU POLICE STATION,
KARUR DISTRICT,
IN CRIME NO.392 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.S.GOKUL RAJ Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

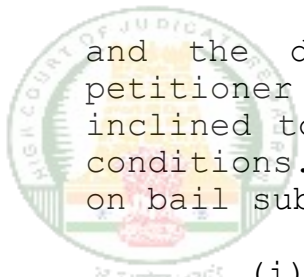
The petitioner / accused, who was arrested and remanded to judicial custody on 24.12.2017 for the offence punishable under Section 174 Cr.P.C. @ 304 (b) I.P.C in Crime No.392 of 2017, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased are the husband and wife. Due to dispute in regarding the demand of dowry, on 01.12.2017 the petitioner murdered his wife by closing her nose using pillow.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for bail.

4.The learned Government Advocate (Criminal side) submitted that part of the investigation is completed.

5.The submissions made by the learned counsel on either side are considered. It seems that on 24.12.2017, the petitioner surrendered and remanded to judicial custody for the offences punishable under Sections 174 Cr.P.C. @ 304 (b) I.P.C. As of now, according to prosecution, part of the investigation is completed. The petitioner herein is the sole accused in this case. Hence, the period of incarceration of the petitioner, further custodial interrogation of the petitioner is not necessary for completing the investigation in this case. However, the petitioner



and the defacto complainant, who is the father-in-law of the petitioner are residing nearer to each other. This Court is inclined to grant bail to the petitioner subject to some stringent 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.I, Karur;

(ii) the petitioner is directed to appear before the Inspector of Police, Race Course, Coimbatore, daily at 10.00 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-

31/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
VENGAMEDU POLICE STATION, KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE INSPECTOR OF POLICE,
RACE COURSE, COIMBATORE

+1. CC to M/S.S.GOKUL RAJ Advocate SR.No.1717

ORDER IN

CRL OP(MD) No.1489 of 2018

Date :31/01/2018