



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1546 of 2018

VADIVEL @ VADIVELAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
RAMJEE NAGAR POLICE STATION,
TRICHY CITY.
IN CRIME NO.2/2018

... RESPONDENT / COMPLAINTANT

For Petitioner : M/S.B.JAMEEL ARASU, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

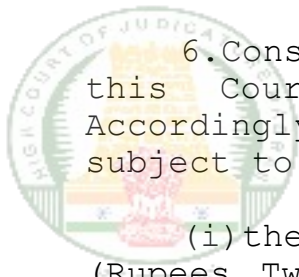
The petitioner / sole accused, who was arrested on 18.01.2018 for the offence punishable under Section 306 IPC in Crime No.2 of 2018, pending on the file of the respondent Police seeks bail.

2.The case of the prosecution is that the petitioner herein is the husband of the deceased. The de facto complainant is the mother-in-law of the petitioner herein. Due to non-pregnancy, the petitioner herein, harassed the deceased. Therefore, the wife of the petitioner committed suicide. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 18.01.2018 onwards.

4.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the deceased herein, who is the wife of the petitioner, due to the family dispute, committed suicide. Thereafter, the process of inquest was conducted by RDO. The petitioner herein is judicial custody from 18.01.2018 onwards. So, considering the period of incarceration, further custodial interrogation may not be necessary for completing the investigation.



6. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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.III, Trichy;

(ii) the petitioner is directed to appear before the respondent police 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/-
08/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
RAMJEE NAGAR POLICE STATION, TRICHY CITY.
4. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.2140

ORDER IN
CRL OP(MD) No.1546 of 2018
Date : 08/02/2018

MS/CM-VR/SAR.1/08.02.2018/2P.7C