



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1711 of 2018

P.SUNDARAM

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THOGAIMALAI POLICE STATION,
KARUR DISTRICT.
(CRIME NO.578/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.DEENADHAYALAN, 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 :-

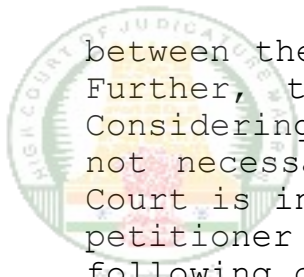
The petitioner / sole accused, who was arrested on 26.12.2017 for the offences punishable under Section 174 Cr.P.C, @ 306 IPC in Crime No.578 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had an affair with the deceased, due to which, the defacto complainant warned his daughter and wordy quarrel arose between them. Thereby, the defacto complainant's daughter committed suicide. Thereafter, a case has been registered against the petitioner and he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence.

4.The learned Government Advocate (Criminal side) appearing for the respondent police submitted that petitioner had an affair with the deceased and committed the offence under Section 306 IPC. He further submitted that the investigation is pending.

5.Considering the submissions made on either side, it seems that a case has been registered against the petitioner for the offences under Sections 174 Cr.P.C, @ 306 IPC,. It is alleged that during the time of occurrence, the petitioner herein having illegal contact with the deceased. Due to that, the father of the deceased warned the petitioner and in course, due to the wordy quarrel



between the deceased and the petitioner, she committed to suicide. Further, the petitioner is in judicial custody from 26.12.2017. Considering the period of incarceration, custodial interrogation is not necessary for completing the investigation. Therefore, 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:

WEB COPY

(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 Judicial Magistrate No.I, Kulithalai.

(ii) the petitioner is directed to appear before the Anna Nagar Police Station, Madurai, daily at 10.30 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/-
05/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KULITHALAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THOGAIMALAI POLICE STATION, KARUR DISTRICT.
5. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.DEENADHAYALAN Advocate SR.No.1899

ORDER IN
CRL OP (MD) No.1711 of 2018
Date : 05/02/2018