



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

Wednesday, the Fourteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4005 of 2018

MOHAMED IBRAHIM

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PALAKKARAI POLICE STATION,
TRICHY DISTRICT
(IN CRIME NO. 66 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

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

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

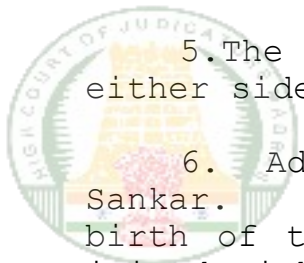
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, was arrested and remanded to judicial custody on 04.02.2018 for the offences punishable under Section 174 Cr.P.C., @ 306 IPC in Crime No.66 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased Malathy @ Mala is the wife of one Sankar. The petitioner developed illegal intimacy with deceased Malathy @ Mala and they were living separately for the past six years along with children of Malathy @ Mala, born through her first husband. Under the circumstances, due to the wordy quarrel arose between the petitioner and the deceased, the deceased committed suicide by hanging in her home. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 04.02.2018. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation of the case is under progress.



5. The submissions made by the learned counsel appearing on either side are considered.

6. Admittedly, the deceased Malathy @ Mala, is the wife of one Sankar. Six years before the alleged occurrence, after giving birth of two children, the deceased left the matrimonial home and joined with the petitioner herein. It is alleged during the time of occurrence, the deceased compelled the petitioner for marrying her. Since the petitioner herein refused to marry her, she has committed suicide, for which, the case has been registered against the petitioner. Now, the petitioner is in judicial custody from 04.02.2018. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion that further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioner on bail 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.V, Trichy;

(ii) the petitioner shall 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/-
14/03/2018

/ TRUE COPY /

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

TO
<https://hcservices.ecourts.gov.in/hcservices/>

1 THE JUDICIAL MAGISTRATE NO.V, TRICHY.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
PALAKKARAI POLICE STATION, TRICHY DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.4130

ORDER

IN

CRL OP(MD) No.4005 of 2018

Date :14/03/2018

MKV-PN-SAR 2/14.3.2018/3P-7C