



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4761 of 2018

S. PALANIYANDI

... PETITIONER / ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
THATHAIYANGARPETTAI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT,
IN CR.NO. 25/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SHANMUGARAJA SETHUPATHI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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 No.1, was arrested and remanded to judicial custody on 25.02.2018 for the offences punishable under Sections 294(b), 506(i) and 306 IPC in Crime No.25 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused are said to have scolded the deceased, due to which, she committed suicide by pouring kerosene over her body and attempted self immolation and died. 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 25.02.2018.

4.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the portion of the investigation has been completed.



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

6. It is alleged, during the time of occurrence, the petitioner herein and other accused abused the deceased with false allegations, thereby, the deceased committed suicide. According to the prosecution, portion of the investigation has been completed. Further, the petitioner is in judicial custody from 25.02.2018. Considering the facts and circumstances of the case and also considering the fact that portion of the investigation has been completed and that the petitioner is in judicial custody from 25.02.2018, this Court came to the conclusion that the further detention is not 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, Thuraiyur, Thiruchirappalli District.

(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/-
27/03/2018

/ TRUE COPY /

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



trp
TO

1 THE JUDICIAL MAGISTRATE
THURAIYUR, THIRUCHIRAPPALLI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
THATHAIYANGARPETTAI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.

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

5 THE OFFICER INCHARGE
SUB JAIL, THURAIYUR, TRICHY DISTRICT

+1. CC to M/S.D.SHANMUGARAJA SETHUPATHI Advocate SR.No.4855

GJM/MM/PN/SAR-I-27.3.18-3P-7C

ORDER

IN

CRL OP(MD) No.4761 of 2018

Date :27/03/2018