



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.647 of 2018

SELVA KUMAR

... PETITIONER / ACCUSED (A1)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KALAIYARKOIL POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.543 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.R.BABU JAGANATH Advocate

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

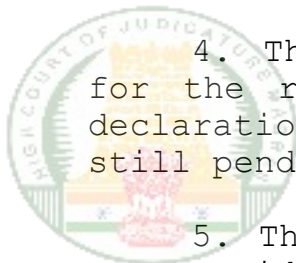
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 09.12.2017 for the alleged offences punishable under Sections 147, 294(b), 498(A), 307 of IPC., r/w Section 4 of the Dowry Prohibition Act @ 147, 294(b), 498(A), 302 of IPC., r/w Section 4 of the Dowry Prohibition Act, in Crime No.543 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased is the wife of the petitioner. The petitioner is working in Military Service, when he came to his home, the prior day of the alleged occurrence, he demanded additional dowry due to that a wordy quarrel arose between them, as a result of which the deceased put on fire. Thereafter, the petitioner took her to the hospital and in the hospital she succumbed to injuries. Hence, the case has been registered against the petitioner for the above said crime.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that due to sudden provocation, she committed suicide. Moreover, after the said incident, immediately, the petitioner took his wife to the hospital to save her and he has no motive. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the dying declaration of the deceased is recorded and the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. Admittedly, the deceased in this case is the wife of the petitioner. It is alleged that during the time of occurrence, the petitioner herein made a demand for more dowry, due to which a wordy quarrel arose between them. Thereafter, she put on fire, as a result of which, she succumbed to injuries in the hospital. Subsequently, after registration of the case, the petitioner is in judicial custody from 09.12.2017 to till date. So, considering the above stated reasons and also considering the period of incarceration, further custodial interrogation may not be necessary for completing the investigation. However, considering the nature of offence committed by the petitioner, this Court is inclined to grant bail to the petitioner with 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, Sivagangai District;
- (ii) the petitioner shall report before the Tirunelveli Town Police Station, daily twice, i.e., at 10.00 a.m., and 05.00 p.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and the learned 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/-
30/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE OFFICER IN CHARGE,
SUB JAIL, SIVAGANGAI.

4 THE INSPECTOR OF POLICE,
KALAIYARKOIL POLICE STATION, SIVAGANGAI DISTRICT.

5 THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI.

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

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.1524

ORDER

IN

CRL OP(MD) No.647 of 2018

Date :30/01/2018

MKV-PM-PN-SAR 4/30.1.2018/3P-8C