



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.821 of 2018

MARISAMY

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
MALLANDINARU POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CR. NO. 112/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.MAHENDRAN 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 :-

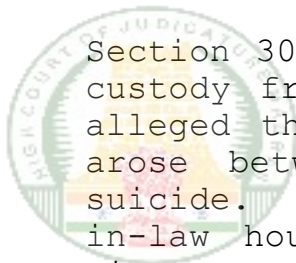
The petitioner / sole accused, who was arrested on 31.12.2017 for the offence punishable under Section 174 Cr.P.C., @ Section 306 I.P.C., in Crime No.112 of 2015, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to wordy quarrel arose between the petitioner and his deceased wife, self immolated herself, caused burn injuries, she was taken into Government Hospital, Virudhunagar, but on 18.06.2015 she was died. Hence, F.I.R has been lodged against the petitioner, he was arrested and remanded to judicial custody on 31.12.2017.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he is no way connected with the alleged occurrence. He further submitted that the petitioner is in judicial custody from 31.12.2017 onwards. Hence he prays for bail.

4.The learned Government Advocate (Crl.side) submitted that there was a wordy quarrel between the petitioner and his wife, due to that, the petitioner's wife voluntarily self immolated and immediately, she was taken into Government Hospital, but she died. According to him investigation is not completed. Hence, he vehemently opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Section 174 Cr.P.C., @



Section 306 I.P.C., in Crime No.112 of 2015 and he is in judicial custody from 31.12.2017 onwards. According to prosecution, it is alleged that during the time of occurrence, due to wordy quarrel arose between the petitioner and his wife, deceased committed suicide. Further, the said occurrence was happened in the father-in-law house of the petitioner. So, considering the facts and circumstances of the case and also considering the fact that the case was registered in the year 2015, further custodial interrogation of the petitioner is not necessary for completing the investigation.

6.Considering the above facts and circumstances, 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.I, Virudhunagar.

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

22/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE OFFICER IN CHARGE, SUB JAIL, VIRUDHUNAGAR.
 - 4 THE INSPECTOR OF POLICE,
MALLANDINARU POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.MAHENDRAN Advocate SR.No.1032

ORDER IN
CRL OP(MD) No.821 of 2018
Date :22/01/2018