



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

Cr1.O.P (MD) No.829 of 2018

Kavitha

... Petitioner

Vs.

1. The Additional Director General of Police (Prisons),
Gandhi Irwin Road,
Egmore,
Chennai.

2. The Superintendent,
District Prison,
Madurai Road,
Virudhunagar.

3. The Inspector of Police,
Virudhunagar Bazaar Police Station,
Virudhunagar.

... Respondents

PRAYER: Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner's husband (A.2), namely, David, son of late.Murugesan, who is in District Prison, Virudhunagar, from 20.12.2017, in connection with Cr.No.771 of 2017 on the file of the third respondent, on interim bail/to grant five days' leave to attend his father's funeral rites and customs on the basis of the petitioner's representation, dated 12.01.2018.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.A.Rabinsion

Government Advocate (Criminal Side)

ORDER

The husband of the petitioner is one of the accused in Cr.No.771 of 2017 registered by Virudhunagar Bazaar Police Station, for the alleged commission of offences under Sections 302 and 201 I.P.C.



2. The learned Counsel for the petitioner would submit that the above said case came to be registered on the basis of the complaint given by one Vijayalakshmi alleging, among other things, that her husband who left at about 08.00 p.m., on 30.08.2017, did not return and her efforts to contact him through mobile phone also ended in futile and the third respondent police, based on the complaint, registered the case "for man missing" and commenced the investigation.

3. It is also submitted by the learned Counsel for the petitioner that the petitioner's husband, on coming to know that he has been implicated in the above said case based on the confession statement given by the co-accused, voluntarily surrendered before the third respondent police on 19.12.2017 and thereafter, he has been remanded to judicial custody.

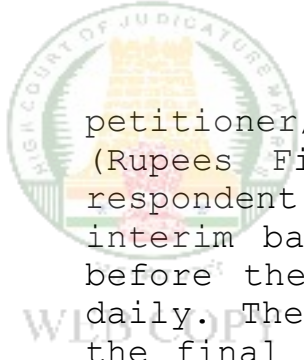
4. It is the further submission of the learned Counsel for the petitioner that the father of the accused/father-in-law of the petitioner herein, was unwell and died at 05.15 p.m., on 12.01.2018 and the husband of the petitioner is being the only son, has to perform the final ceremonies and in this regard, she has approached the second respondent praying for emergency leave as per the Tamil Nadu Prison Manual Rule and it has not been considered and therefore, the present petition has been filed seeking interim bail for the husband of the petitioner.

5. Mr.A.Rabinsion, learned Government Advocate (Criminal Side) appearing for the respondents, on instructions, would submit that it is a fact that the petitioner's husband has been arrayed as one of the accused in the above said crime number and pursuant to his voluntary surrender, he has been remanded to judicial custody. He would further add that the father of the accused/father-in-law of the petitioner is no more and he has to perform the final ceremonies.

6. This Court has considered the rival submissions.

7. This Court, taking into consideration the facts and circumstances of the case, without going into the merits of this matter, especially, taking into consideration the fact that the husband of the petitioner is being the only son of the deceased Murugesan, who has to perform the final ceremonies, is inclined to enlarge the husband of the petitioner, namely, David, on interim bail, subject to certain conditions.

8. In the result, this Criminal Original Petition is ordered, by directing the release of the husband of the petitioner, namely, David, son of late Murugesan, [Aadhaar No.3275 4960 8746], by way of Interim Bail for a period of four days from today, i.e., 13.01.2018 to 16.01.2018 and on such release, the husband of the



petitioner/accused shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) to the satisfaction of the third respondent and on further condition that during the period of interim bail, between 14.01.2018 and 16.01.2018, he shall appear before the third respondent between 05.00 p.m., and 06.00 p.m., daily. The husband of the petitioner on completion of performing the final ceremonies, shall surrender before the third respondent on 17.01.2018 at 11.00 a.m. It is also open to the third respondent to provide for escort for the protection/to ensure availability of the husband of the petitioner/accused.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Director General of Police (Prisons),
Gandhi Irwin Road,
Egmore, Chennai.
2. The Superintendent,
District Prison,
Madurai Road,
Virudhunagar.
3. The Inspector of Police,
Virudhunagar Bazaar Police Station,
Virudhunagar.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.L.PRABHU, ADVOCATE IN SR No.

SSL/TSG

TE : 13/01/2018 : 3P/6C

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