



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Fourth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WEB COPY

CRL OP (MD) No.7854 of 2018

1 PADMANAPAN
2 SOMASUNDARAM

... PETITIONERS/ ACCUSED No.1 & 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVANGAGAI DISTRICT. CR. NO.130/2018. ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.UDHAYAKUMAR Advocate
For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused Nos.1 and 2. They were arrested and remanded to judicial custody on 01.05.2018 for the offences punishable under Sections 307 @ 304 (B) IPC, in Crime No.130 of 2018, on the file of the respondent police. They seek bail.

2.The Victim viz., Sagunthala is the wife of the first petitioner viz., Padmanapan. The victim had also given dying declaration. It is alleged that she was continuously put to cruelty in connection with dowry demand and that the first petitioner set fire to her.

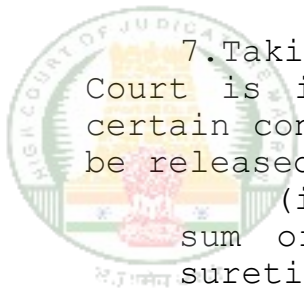
3.The learned counsel for the petitioner submitted that the second petitioner is only brother-in-law and he is residing separately and not under the same roof.

4.This Court is of the view that there is a possibility of false implication of the second petitioner. However, this observation is made only for the purpose of granting the relief sought for in this petition alone and the same will not be taken as an advantage in any other proceedings.

5.Since there is a specific overt act attributed against the first petitioner and he is the husband of the deceased, this Criminal Original Petition is dismissed as regards the first petitioner.

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

6.Heard the learned Government Advocate (Crl.Side).



7. Taking note of the facts and circumstances of the case, this Court is inclined to enlarge the second petitioner on bail with certain conditions. Accordingly, the second petitioner is ordered to be released on bail, subject to the following conditions;

(i) the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Manamadurai, Sivagangai District.

(ii) the second petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) the second petitioner shall not abscond.

(iv) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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/-

04/06/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE COURT,
MANAMADURAI, SIVAGANGAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI DISTRICT.
 - 4 THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION, SIVANGAGAI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.UDHAYAKUMAR Advocate SR.No.9377.

ORDER

IN

CRL OP(MD) No.7854 of 2018

Date :04/06/2018