



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

Monday, the Seventeenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22157 of 2018

SUDAKAR

... PETITIONER / ACCUSED
No.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
Crime No. 338 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.THALAIMUTHARASU Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 14.10.2018 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 448, 342, 506(ii), 307 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.338 of 2018, on the file of the respondent police, seek bail.

2.It appears that the petitioner is A4 in this case. The defacto complainant had illegal intimacy with one Kamaraj, which was questioned by the family members of Kamaraj. On 13.10.2018, the family members of Kamaraj entered into the house of the defacto complainant and there was a wordy quarrel arose between them. At that time they attacked the defacto complainant and poured kerosene and set fire her. On hearing her noise, the defacto complainant's husband came there and save her by admitting her in the hospital on the same day. She was taking treatment as inpatient in Government Hospital, Thanjavur till 07.12.2018 and attempts to have plastic surgery.

3.The learned counsel for the petitioner submits that the petitioner and the defacto complainant are all close relatives. The petitioner is the defacto complainant's brother's son and they are all residing in nearby area. Coming to know about the incident, the



petitioner went to the defacto complainant's house and attempted to pacify and separate them.

4. The defacto complainant had given a dying declaration before the Judicial Magistrate No.III, Thanjavur on 14.10.2018. In that statement, it is found that the defacto complainant had not stated anything against the petitioner.

5. Considering the same, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Thiruvaiyaru and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, 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 learned 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.
2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
3. THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.23396

ORDER
IN
CRL OP(MD) No.22157 of 2018
Date :17/12/2018

TK/PN.AC/SAR-4/17.12.2018/3P/7C