



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.22162 of 2018

KAMARAJ

... PETITIONER / ACCUSED
No.1

Vs

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

... 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 15.10.2018 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, seeks bail.

2.It appears that the petitioner is A1 in this case. The defacto complainant had illegal intimacy with the petitioner, which was questioned by his family members. On 13.10.2018, the family members of petitioner 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. The learned Government Advocate (Crl. Side) produced the discharge summary of the defacto complainant.

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

3.The learned counsel for the petitioner submits that the petitioner and the defacto complainant are all close relatives.



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 two weeks 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 Mr.G.THALAIMUTHARASU Advocate SR.No.23397

ORDER

IN

CRL OP (MD) No.22162 of 2018

Date :17/12/2018

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