



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

Monday, the Third day of December Two Thousand Eighteen

PRESENT

WEB COPY

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.21332 of 2018

PERIYAVINAYAKAM

... PETITIONER /SOLE ACCUSED

Vs

STATE REP BY ITS  
THE INSPECTOR OF POLICE  
DEVIPATTINAM POLICE STATION,  
RAMNAD DISTRICT.  
Crime No.222/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.UTHAYAKUMAR Advocate

For Respondent : Mr.S.CHANDRASEKAR Additional Public Prosecutor

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

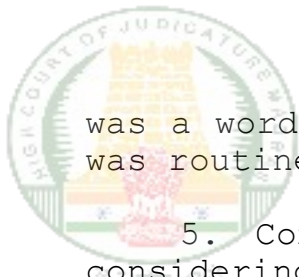
**ORDER :** The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 20.11.2018 for the offences punishable under Section 174 of Cr.P.C., which was later altered as Section 306 of IPC, in Crime No.222 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim were married 10 years before and they were living separately. They have two children who is aged about 9 years and one year. On the fateful day, the petitioner was under alcohol for the reason that there was a quarrel between the petitioner and the victim, due to which, she had set fire by herself and passed away. Hence, the petitioner was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person, it was a normal domestic dispute and he has nothing to do with the alleged occurrence. He further submitted that the two children are now with the petitioner's parents who are taking care of them.

4.The learned Additional Public Prosecutor for the respondent submitted that most of the witnesses have been examined and awaiting postmortem report and viscera report. Further, from the inquest conducted by the police, it is found that on the fateful day, there



was a wordy quarrel between the petitioner and the deceased, which was routine affair in their family life.

5. Considering the facts and circumstances of the case and considering the period of incarceration of the petitioner, 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 No.I, Ramanathapuram 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/-  
03/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO I, RAMANATHAPURAM.

2. THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT

3. THE INSPECTOR OF POLICE  
DEVIPATTINAM POLICE STATION,  
RAMNAD DISTRICT.



4.THE OFFICER INCHARGE,  
DISTRICT PRISON, RAMANATHAPURAM.

5.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.UTHAYAKUMAR Advocate SR.No.22529

ORDER  
IN  
CRL OP (MD) No.21332 of 2018  
Date :03/12/2018

TK/PN/SAR-4/03.12.2018/3P/7C