



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

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1936 of 2019

R. SIVA @ SIVAKUMAR

... PETITIONER / ACCUSED

ACCUSED RANK NOT KNOWN

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
CHATHIRAKKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CR.NO.93 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.I.SABEER MOHAMED Advocate

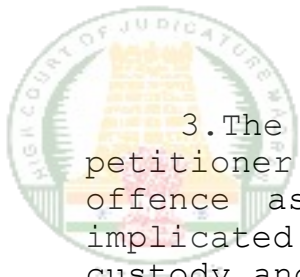
For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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 11.11.2018 for the offences punishable under Section 174 Cr.P.C., altered into Sections 302 and 201 IPC in Crime No.93 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the defacto complainant is the VAO of Ettivayal Village. Based on his complaint, the respondent police registered a case under Section 174 Cr.P.C. After investigation, the respondent police arrested the petitioner / accused. From the investigation, it is seen that the petitioner initially married one Thenmozhi and they have blessed with two children. Thereafter, due to difference of opinion, the petitioner deserted his wife and went for employment to Chennai. At that time, the deceased person introduced herself to the petitioner and thereafter, they developed their love affair and they had sexual intercourse in Chennai. Thereafter, the deceased person urged the petitioner to marry her and since the petitioner refused to marry the deceased person, there was a quarrel between them. Thereafter, the petitioner indiscriminately attacked the deceased, thereby, she lost her life and died, for which, the respondent police registered a case and subsequently, the case was altered into Sections 302 and 201 IPC against the petitioner.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and for the past 88 days he is in judicial custody and the present allegation against the petitioner is only an attempt. Accordingly, he prayed for bail. The learned counsel further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.

4.The learned Additional Public Prosecutor would submit that apart from this case, one NDPS Act case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Paramakudi, Ramanathapuram, and on further condition that:

(a) *the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;*

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.m., for the purpose of interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

08/02/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
PARAMAKUDI, RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE,
CHATHIRAKKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER IN - CHARGE
DISTRICT JAIL, RAMANATHAPURAM

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

+1. CC to MR.I.SABEER MOHAMED Advocate SR.No.2616

ORDER

IN

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Date :08/02/2019

MSI/PN/SAR-II/08.02.2019-3P/7C