



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2209 of 2019

MARIMUTHU

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.2/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PRABU Advocate

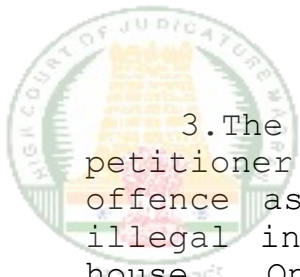
For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 02.01.2019 for the offence punishable under Sections 294(b), 302 and 506(ii) of IPC in Crime No.2 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the husband of the deceased. They are lovers and their marriage was solemnized prior to 5 years ago and they started their matrimonial life in the house bearing door No.4, 3rd Street of Natarajapuram, Kovilpatti. Thereafter, the petitioner decided to switch over their residence to new place at 4th Street of Natarajapuram. The housewarming ceremony was also held on 31.12.2018. After the function, in the mid night the deceased called the defacto complainant over phone and informed the ill-treatment of the accused the defacto complainant pacify the deceased and assured her that she will come on next day morning. Thereafter the defacto complainant went to the new house of the petitioner on 01.01.2019 at 4.00 p.m. Since they were not found in that house, they went to the old house and they found that the petitioner assaulted the deceased with iron rod brutally, thereby she sustained injuries and she lost his life in the old house. Hence, the defacto complainant lodged a complaint before the respondent police.



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. The deceased person had illegal intimacy with one Kumar who is the neighbour of the hold house. On the particular day at about 5.00 a.m. he searched the deceased in the new house. Since she is not available there, he searched her in several place and finally in the old house he found that his wife had sexual relationship with the said Kumar. Hence, the petitioner suddenly attacked the deceased, thereby she lost her life. It is purely a sudden provocation. Moreover, the petitioner is in custody for a period of more than 40 days.

4.The learned Additional Public Prosecutor would submit that the investigation is pending. Admittedly, the incident was said to have taken place in the old house of the deceased and 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.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti 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 daily at 10.30 a.m. until further orders;

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

12/02/2019

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI AT TIRUNELVELI.

4 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.PRABU Advocate SR.No. 2872

ORDER

IN

CRL OP(MD) No.2209 of 2019

Date :12/02/2019

JM/PN/SAR 4/12.02.2019/3P/7C