



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

Thursday, the Seventh day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3523 of 2019

M.MANIMARAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KULIATHALAI POLICE STATION,
KARUR DISTRICT.
CRIME NO.588/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.BINDRAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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 18.02.2019 for the offences punishable under Sections 302 IPC which was subsequently altered to Section 302, 306 r/w 511 of IPC in Crime No.588 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the petitioner/A2 had developed illegal intimacy with married A1 who has already married one Thangadurai. Due to illegal intimacy, a female child was born. Thereafter, she wanted to marry another man, in which, she committed murder of his own daughter and consumed poison. Hence, the Village Administrative Officer gave a complaint before the respondent police and thereafter, 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 and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) would submit that the only allegation made against the petitioner/A2 is that he had developed illegal intimacy with A1. The petitioner neither present



at the scene of occurrence nor extended any help to A1. 4. The learned Government Advocate (Criminal side) appearing for the State did not dispute the submission made by the learned counsel for 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.2, Kulithalai, Karur District 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. 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 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/-

07/03/2019

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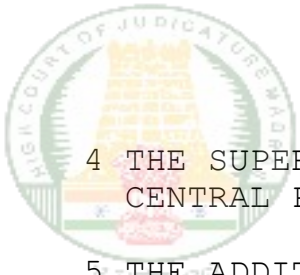
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
KULITHALAI POLICE STATION,
KARUR DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.M.BINDRAN, Advocate (SR-4432[I] dated 07/03/2019)

ORDER

IN

CRL OP (MD) No.3523 of 2019

Date : 07/03/2019

JM/PN/SAR 2/07.03.2019/3P/7C