



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

Thursday, the Twenty First day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4270 of 2019

CHINNAIYAN

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
Crime No.68/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr. D.RAMESHKUMAR Advovate for
Mr.R. PONKARTHIKEYAN 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 on 04.03.2019 for the offences under Sections 307 IPC @302 of IPC ,in Cr.No.68 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the marriage between the petitioner and deceased was solemnized 16 years back and thereafter they are blessed with three female childrens and when the petitioner returned from Saudi Arabia, there was frequent quarrel between the petitioner and the deceased for not giving birth to the male child, in which on one particular day the petitioner consumed alcohol and it alleged that he poured kerosene and set fire on her, thereby the deceased sustained burnt injuries and subsequently lost her life. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution , infact there was frequent quarrel in between the petitioner and the deceased and whatever money earned by the petitioner was given to the deceased and she has spent it lavishly and when the same was questioned the deceased herself poured kerosene on her. Hence he would pray for bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for respondent produced the confession statement given by the deceased. He would also submit that investigation is almost completed.

5. Considering the nature of the case and considering the period of incarceration and also considering the future of the three female children, I am 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, Orathanadu, Thanjavur District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the 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/-
21/03/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ORTHANADU, THANJAVUR DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
ORATHANADU 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. R. PONKARTHIKEYAN Advocate SR.No.5254

ORDER

IN

CRL OP (MD) No.4270 of 2019

Date :21/03/2019

TK/JC/SAR-3/21.03.2019/3P/7C