



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

Friday, the Twenty Second day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4372 of 2019

DHARMAR

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
RAMNAD DISTRICT.
CRIME NO.26 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.ARPUTHARAJ 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 07.03.2019 for the offences under Sections 174 Cr.P.C @ 306 of IPC ,in Cr.No. 26 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 the deceased was solemnized on 06.03.2018 and they were blessed with one male child. Thereafter the petitioner continued to harass the deceased, thereby she consumed poison and lost her life. Initially FIR was registered under Section 174 Cr.P.C and later altered to Section 306 of IPC. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He would also submit that the deceased consumed poison on extraneous condition and not by the harassment done by the petitioner. He would also submit that there is no body to take care of his son. Hence he would pray for bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for respondent would submit that investigation is pending.

5.Considering the nature of the case and considering the period of incarceration and also considering the future of the small child ,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, Paramakudi 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/-

22/03/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK 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 M/s.S.SABBANI KARPURA JOTHI, Advocate SR-5335

ORDER

IN

CRL OP(MD) No.4372 of 2019

Date : 22/03/2019