

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

Monday, the Twenty Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4378 of 2019

MANI

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
CHINTHAMANIPATTI POLICE STATION,
KARUR DISTRICT.
(CRIME NO.36/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.VEERAKUMAR, 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 14.02.2019 for the offences under Sections 302 and 306 of IPC ,in Cr.No. 36 of 2019, on the file of the respondent police, seeks bail.

2. The petitioner herein is A2. A1 is the wife of A2. The case of the prosecution is that the petitioner married another women, for which there was frequent quarrel between the petitioner and his wife, thereby A1 and her daughters left the matrimonial home and administered oleander seeds, thereby her last child passed away. 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 and he is innocent. He would also submit that due to family dispute the A1's mother along with two daughters consumed oleander seeds . Hence he would pray for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for respondent would submit that in respect of A1/ wife section 302 IPC is implicated. He would also submit that investigation is pending.

5.Considering the nature of the case and considering the period of incarceration, 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 No.I, 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 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/-

25/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KULITHALAI, KARUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
3. THE SUB INSPECTOR OF POLICE, CHINTHAMANIPATTI 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 Mr. D. RAMESHKUMAR Advocate SR.No.5425

ORDER

IN

CRL OP(MD) No.4378 of 2019

Date :25/03/2019