



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

Tuesday, the Twenty Sixth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4507 of 2019

SANTHANA SELVI

... PETITIONER / ACCUSED 1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THALAMUTHUNAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.35/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MOORTHY, Advocate
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

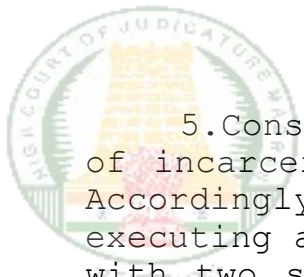
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 06.02.2019 for the offences under Sections 341, 294(b), 354, 506(ii) of IPC @ 341, 294(b), 354, 506(ii) and 306 of IPC in Cr.No.35 of 2019, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the *de facto* complainant is the friend of the deceased person. A1 believed that the deceased person was having a photo of A1 as if she was consuming beer and the said issue was spread in the nearby area, where the petitioner and other accused persons abused the deceased person using filthy language and pulled her saree in the public. So, she committed suicide by pouring kerosene on her own and set fire. Hence, the Law Enforcing Agency registered a case against the petitioner.

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 an innocent persons. Hence, he would pray for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that there is a village dispute between the deceased and petitioner and there was an intention to abuse the deceased person. He would further submit that the investigation is still 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. II, Thoothukudi 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/-

26/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO. II, THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE, WOMEN JAIL,
KOKKARAKULAM, THIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE
THALAMUTHUNAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr. S. MOORTHY, Advocate SR.No.5530

ORDER

IN

CRL OP (MD) No.4507 of 2019

Date : 26/03/2019