



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

Thursday, the Eleventh day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5473 of 2019

JAYAPRAKASH

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
(CRIME NO.164 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.SIVAKUMAR 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 28.03.2019 for the offences punishable under Section 174 of Cr.P.C @ under Section 306 of I.P.C., in Crime No.164 of 2019, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the deceased and the petitioners are relatives. The defacto complainant who is the mother of the deceased, gave a complaint before the respondent police stating that the petitioner's wife was having illegal intimacy with the deceased, for which, the accused persons abused and threatened the deceased, thereby, the deceased committed suicide.

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. He submitted that initially, a case has been registered under Section 174 Cr.P.C and after investigation, it was altered into Section 306 of IPC. He further submitted that he simply questioned the deceased who was illegal intimacy with his wife, thereby, he committed suicide.



4.The learned Government Advocate (Crl.Side) for the State would submit that investigation is almost completed.

5.Considering the facts and circumstances of the case, considering the fact that the petitioner questioned the deceased for illegal intimacy with his wife, thereby, he committed suicide 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, Uthamapalayam 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/-

11/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.



4 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate SR-6565

ORDER

IN

CRL OP (MD) No.5473 of 2019

Date :11/04/2019

JM/PN/SAR 3/11.04.2019/3P/7C