



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6878 of 2019

JOSHENS PAUL MICHALE

... PETITIONER/SOLE ACCUSED

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
C2, SUBBARAMANIYAPURAM POLICE STATION,
MADURAI. CR.NO.1155 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.M.A JINNAH Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 19.04.2019 for the offences punishable under Section 174 altered to 306 of IPC, in Crime No.1155 of 2016 on the file of the respondent police, seeks bail.

2.Heard Mr.S.M.A.Jinnah, learned counsel for the petitioner, and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3. It is a case of suicide, where the victim has committed suicide by hanging herself at her parental house. The petitioner was in abroad. The case was altered to 306 of IPC from Section 174 Cr.PC on 01.03.2017.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offences as alleged by the prosecution. The learned counsel further submitted that the petitioner was arrested on 19.04.2019 and he is languishing in the jail for the past 27 days.

5.The learned Government Advocate (Crl. Side) opposes for the grant of bail as the petitioner is working in abroad and his



presence cannot be ensured. In such view of objection raised by the learned Government Advocate(Crl., side), the petitioner shall file an undertaking affidavit before the concerned Court at the time of furnishing sureties, thereby ensuring his presence.

6. Taking into consideration of the fact that the petitioner is filing an undertaking affidavit before the concerned Magistrate and also the fact that the petitioner has already suffered incarceration for more than 27 days, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Mahila Court, Madurai District and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioner shall report before the respondent police on the first Monday of every English Calendar month at 10:30 a.m. till the completion of investigation;

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
15/05/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
MAHILA COURT, MADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3. THE INSPECTOR OF POLICE,
C2, SUBBARAMANIYAPURAM POLICE STATION,
MADURAI.

4. THE OFFICER INCHARGE,
CENTRAL PRISON, MADURAI

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

+1. CC to M/S.S.M.A JINNAH Advocate SR.No.8343

ORDER

IN

CRL OP (MD) No.6878 of 2019

Date :15/05/2019

STS

PK/JC/SAR-2/17.05.2019 : 3P/7C