



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.7209 of 2019

SIVAKUMAR

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY ITS,
INSPECTOR OF POLICE,
THIRUVAIYARU ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT,
IN CR.NO.6/2019

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.JEYARAM 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 :-

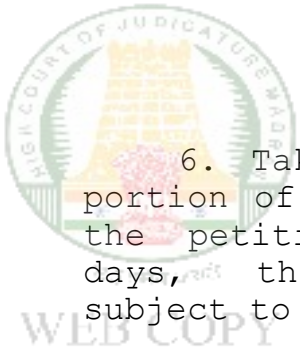
The petitioner/Sole Accused who was arrested and remanded to judicial custody on 25.04.2019 for the offences punishable under Sections 294(b), 323, 324, 498(A) & 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.06 of 2019 on the file of the respondent police, seeks bail.

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

3.The case of the prosecution is that the petitioner/sole accused on suspicion over his wife, who is the *de facto* complainant herein, had a wordy quarrel and the same led to altercation between them. Hence, the complaint.

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 this petitioner was arrested and remanded to judicial custody on 25.04.2019. He is languishing in the jail for the past 21 days.

5.The learned Government Advocate (Crl. Side) opposes for the grant of bail as the investigation is yet to be completed.



6. Taking into consideration of the fact that a substantial portion of the investigation is over and also the fact that the petitioner has already suffered incarceration for more than 21 days, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner/sole accused 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, Thiruvaiyaru, Thanjavur 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 as and when required;

[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,
THIRUVAIYARU, THANJAVUR DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THANJAVUR DISTRICT AT KUMBAKONAM



3. INSPECTOR OF POLICE,
THIRUVAIYARU ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT,

4. THE OFFICER INCHARGE,
SUB JAIL, BABANASAM, THANJAVUR

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

+1. CC to M/S.A.JEYARAM, Advocate SR.No.8296

ORDER

IN

CRL OP (MD) No.7209 of 2019

Date :15/05/2019

STS

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