



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 12/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8005 of 2019

Venkatesh

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Kayathar Police Station,
Kayathar, Thoothukudi District.
Crime No.422 of 2016.

... Respondent/Complainant

For Petitioner : M/s.M.Muthukumar,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For bail petition in cr.no.422 of 2016 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the Accused seeking bail for the alleged offence under Sections 174 Cr.P.C @ 306 of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He further submitted that the marriage between the petitioner and the deceased was solemnized on 18.03.2013 and they got male child and due to some family quarrel, the deceased left the matrimonial home lived separately and subsequently she committed suicide. He further submitted that the petitioner is no way connected with the said suicide. He further submitted that already this petitioner had moved this Court seeking anticipatory bail in CrI.O.P(MD) No.55 of 2019 and this Court has also granted anticipatory bail on 04.01.2019, but since the petitioner could not arrange sureties within the time stipulated by this Court, the



respondent police arrested the petitioner and remanded to judicial custody on 27.05.2019 and from that date onwards he is in custody. He further submitted that investigation might have been completed. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that since the accused caused cruelty to the victim, she committed suicide on 18.10.2016 and investigation is still pending. Hence he opposed for grant of bail to the petitioner. However he fairly conceded that this Court had already granted anticipatory bail to the petitioner in Crl.O.P(MD) No.55 of 2019 on 04.01.2019.

5. Taking into consideration the fact that this Court had already granted anticipatory bail to the petitioner in Crl.O.P(MD) No.55 of 2019 on 04.01.2019 and also considering the fact that the petitioner was in judicial custody from 27.05.2019 and also the fact that the occurrence is said to have taken place in the year 2016 and by this time major part of the investigation might have been completed, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kovilpatti

[b] the petitioner shall report before the respondent police as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trail.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3. THE OFFICER INCHARGE, SUB JAIL,
KOVILPATTI.

4. THE INSPECTOR OF POLICE, KAYATHAR POLICE STATION,
KAYATHAR, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.MUTHUKUMAR Advocate SR.No.9495

ORDER

IN

CRL OP (MD) No.8005 of 2019

Date :12/06/2019

MS/VR/SAR-2/12.06.2019/3P.7C