



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.805 of 2019

MAHESWARAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI,
Crime No. 461/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.G.THALAIMUTHARASU Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 28.10.2018 for the offences punishable under Section 302 of IPC Crime No.461 of 2018 on the file of the respondent police and seeks bail.

2.The case of the prosecution is that due to family dispute between the petitioner and the defacto complainant, the petitioner administered poison and also administered poison to her six year old daughter. Subsequently both of them were admitted in the hospital, but his daughter died.

3.The learned counsel for the petitioner would submit that the petitioner is said to have been working in abroad and there used to be some frequent quarrel between the petitioner and the defacto complainant regarding money. He would also submit that the petitioners earning from abroad was asked to be given to his sister's marriage which was not given to his family, due to which marriage could not be conducted. He would also submit that the petitioner has given a confession statement which is in the nature of extra judicial confession.



4. The learned Government Advocate(Crl.Side) would submit that the investigation in this case is almost over and awaiting for opinion from Government advocate.

5.Considering the above facts and circumstances and also the period of incarceration, 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, each for a like sum to the satisfaction of the Judicial Magistrate No.III, Thoothukudi and on further condition that:

[a] the petitioner shall appear before the trial court daily at 10.30 a.m until the case is committed to the Court of sessions.

[b] the petitioner shall not tamper with evidence or witness either during trial.

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

[d] 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].

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

sd/-
24/01/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO III
THOOTHUKUDI.

2.THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3. THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI,

4. THE SUPERINTENDENT
CENTRAL PRISON PALAYAMKOTTAI.

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

+1. CC to Mr.G.THALAIMUTHARASU Advocate SR.No.1297

ORDER

IN

CRL OP(MD) No.805 of 2019

Date :24/01/2019

TK/VR/SAR-2/24.01.2019/3P/7C