



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9580 of 2019

1.Maria Chandra Thirasa

2.Pawulal

... Petitioners/Accused
No.2 and 3

Vs

State represented by
The Inspector of Police,
Rajakkamangalam, Police Station,
Kanyakumari District
Crime No. 110/2019

... Respondent/Complainant

For Petitioners : M/s.P.P.Alwin Balan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 110 /2019 on the file of the Respondent Police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-2 and 3 seeking bail for the alleged offence under Section 306 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that due to matrimonial dispute a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 20.06.2019 and from that date onwards they are in custody. He further submitted that even as per the First Information Report, allegations are against the first accused only and there is no specific allegations against the petitioners herein and therefore he prayed to grant bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that the defacto complainant's daughter one Sahaya Nithiya got married the first accused on 04.09.2017. After marriage she lived happily and a male child was born to the couple. Thereafter the second petitioner had not allowed the deceased to cook food and subsequently on 19.06.2019 the first accused informed the defacto complainant that his daughter is going to commit suicide and on 20.06.2019 she has committed suicide. Hence he strongly opposed to grant bail to the petitioners. However he fairly conceded that there is no serious allegations against the petitioners herein

5. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past 18 days and also the fact that there is no serious allegations against the petitioners herein, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are 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.I, Nagercoil.

[b] the petitioners shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
09/07/2019

/ TRUE COPY /



To

1.The Judicial Magistrate No.I, Nagercoil.

2.Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Rajakkamangalam, Police Station,
Kanyakumari District

4.The Officer Incharge,
District Jail, Nagercoil.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-11294[I] dated
09/07/2019)

ORDER

IN

CRL OP(MD) No.9580 of 2019

Date : 09/07/2019

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TK/PN/SAR.2/09.07.2019/3P/7C