



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9634 of 2019

S.Manikandan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Surandai Police Station,
Tirunelveli District.
Crime No.209 of 2019

... Respondent/Complainant

For Petitioner : M/s.B.Ramanathan,
Advocate.

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

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

PRAYER :-

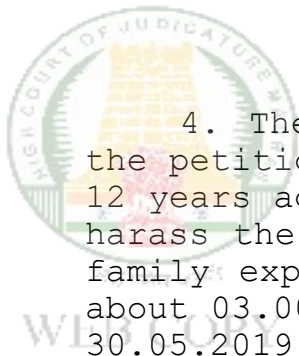
For Bail in Crime No. 209/2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no. 1 seeking bail for the alleged offence under Section 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 petitioner herein was arrested and remanded to judicial custody on 30.05.2019 and he is in custody for the past 45 days. He further submitted that though the deceased was admitted in the hospital on 27.05.2019 and died on 30.07.2019, the respondent police has not taken any steps to get dying declaration from the deceased. He would also submit that by this time major portion of the investigation might have been completed. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner herein and the deceased loved each other and married 12 years ago and they got three childrens and the petitioner used to harass the deceased. Further the petitioner did not give money for family expenses and hence she consumed poison on 27.05.2019 at about 03.00 p.m and she was admitted in the hospital and she died on 30.05.2019 at about 09.15 a.m. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that A2 and A3 in this was arrested by the respondent police and subsequently released on bail by the Session Court.

5. Though the deceased was alive for three days in the hospital after consuming poison, the respondent police did not take any steps for getting dying declaration from her and also considering the fact that the petitioner is in custody for the past 45 days and also considering the fact that co-accused in this case was granted bail by the Sessions Court 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 Judicial Magistrate, Alangulam.

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

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

[d] the petitioner 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 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/-
16/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
ALANGULAM

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
SURANDAI POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.B.RAMANATHAN Advocate SR.No.11761

ORDER

IN

CRL OP (MD) No.9634 of 2019

Date : 16/07/2019

aav

TK/VR/SAR.3/16.07.2019/3P/7C