



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9852 of 2019

K.Karuppasamy

... Petitioner/Accused No.2

Vs

State through
The Inspector of Police,
Town Police Station, Sankarankovil,
Tirunelveli District.
Crime No.230/2019.

... Respondent/Complainant

For Petitioner : M/s.S.Vikram,
Advocate.

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

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

PRAYER :-

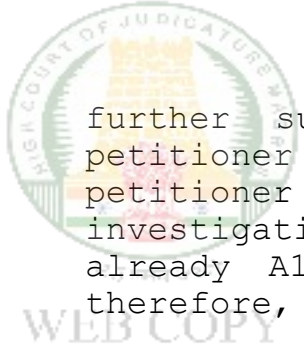
For Bail in Crime No.230/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused No.2, seeking bail for the alleged offence punishable under Section 176, r/w 174 Cr.P.C and 304(i) of IPC.

2. Heard both sides

3. The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the above case. He further submitted that FIR was registered for the offence punishable under Section 176, r/w 174 Cr.P.C and 304(i) of IPC based on the complaint given by the Village Administrative Officer. He further submitted that in the FIR, it is not stated that the defacto complainant has seen the said occurrence, only on suspicion, he gave a complaint against the petitioner and A1. He further submitted that as per FIR, a four years old female child belongs to A1, was killed by the petitioner herein. But Post-mortem has not been done. He



further submitted that there is no evidence to connect the petitioner in the aforesaid crime. He further submitted that the petitioner is in custody from 27.05.2019 and by this time the investigation might have been completed. He further submitted that already A1 was arrested and subsequently released on bail and therefore, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent has submitted that the accused No.1 separated from his husband and thereafter, she is having affair with the petitioner and on the date of occurrence ie., 24.05.2019, when the first accused went to the shop, leaving her four years old female child with the petitioner herein, the petitioner kicked the child with his legs and caused death. He further submitted that both the accused persons cremated the body of the said child and hence, post-mortem was not conducted and only bones were collected and sent to the forensic lab and report is await. When the previous bail application was came up for hearing, it was inadvertently represented that post-mortem has been conducted and report is await. He further submitted that after registering the FIR, during the investigation both the accused persons were arrested and they were enquired and they have stated in their confession statement that the petitioner herein has kicked the female child and caused death and hence, he strongly opposed this petition.

5. Except the alleged confession of the petitioner and the co-accused no other material has been produced by the prosecution to connect the petitioner with the aforesaid crime.

6. Taking into consideration of the aforesaid fact and also the fact that the petitioner is in custody from 27.05.2019 and also the fact that already A1 was released on bail, 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, Sankarankovil.

[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 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/](https://hcservices.ecourts.gov.in/hcservices/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/-
19/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
 3. THE INSPECTOR OF POLICE,
TOWN POLICE STATION, SANKARANKOVIL,
TIRUNELVELI DISTRICT.
 4. THE OFFICER INCHARGE,
SUB JAIL, SANKARANKOVIL.
 5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.VIKRAM Advocate SR.No.12005

ORDER
IN
CRL OP(MD) No.9852 of 2019
Date :19/07/2019

das
TK/VR/SAR.4/19.07.2019/3P/7C