

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11707 of 2019

Gopinath ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.318 of 2019

... Respondent/Complainant

For Petitioner : M/s.J.Lawrance,
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.318 of 2019 on the file of the respondent

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Section 174 Cr.P.C @306 of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the deceased had contact with many persons including one Veera who is resident of same village that the said Veera has shared privacy photographs of Veera and the deceased to so many persons, the petitioner is one of the person who received the said photo he has no connection whatever with the photos, that without any basis this case has been falsely foisted against him. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 16.07.2019 and he is in custody for the past 44 days. Therefore he prayed to grant bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Additional Public Prosecutor would submit that on 15.07.2019 at 06.35 a.m the defacto complainant has received a phone message from his cousin sister Saroja that his sister Malathi committed suicide in her house bed room then he reached the place immediately and then lodged a complaint, that on the police enquiry it was brought into light that deceased Malathi loved one Gopinath for the past one year, he concealed the fact that he was a married man, when the fact came to know the deceased, she asked him, but he has replied that he had contact with many women and he will not bother about her death and on hearing the words, the deceased committed suicide by hanging herself. Hence he opposed to grant bail to the petitioner.

5. Considering the allegations made against the petitioner that the petitioner and the deceased loved each other and subsequently the deceased came to know that the petitioner was a married man and when the deceased has questioned the same to petitioner why he loved her even after he has married another lady, however the petitioner has stated that only for time passing he loved her and except this no other allegation has been made against the petitioner and there was no physical contact with her.

6. Taking into consideration of the aforesaid fact and also the fact that the petitioner is in custody for the past 44 days and also the fact that there was no physical contact with the defacto complainant, this Court is inclined to grant bail to the petitioner.

[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 , Vendasandur.

[b] the petitioner 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 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/-
30/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
VEDASANDUR
 - 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
 - 4.THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.J.LAWRANCE Advocate SR.No.14430

ORDER
IN

CRL OP(MD) No.11707 of 2019
Date :30/08/2019

TK/VR/SAR.3/30.08.2019/3P/7C

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