



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/01/2020

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.704 of 2020

Arunachalam,

... Petitioner/1st Accused

Vs

The State by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District,
Crime No.686 of 2019.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.686 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 21.12.2019 for the offence punishable under section 306 of I.P.C., in Crime No.686 of 2019 on the file of the respondent police. He seeks bail.

3. The learned Government Advocate (Crl.side) submitted that the petitioner is still retaining some of the articles of the deceased and that, therefore, they ought to be returned to the defacto complainant.



4.The petitioner's counsel states that they have already filed a memo setting out the items which they are willing to return.

5.It is also seen that in the suicide note left by the deceased, the allegations have been made only against the in-laws of the petitioner and the petitioner has not been named. The petitioner has only been accused indifference. Therefore, I am inclined to grant relief to the petitioner on condition that the petitioner returns 50 sovereigns of gold ornaments that are still with the petitioner. The household articles will also be returned to the defacto complainant.

6. Subject to this condition, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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, Rajapalayam.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

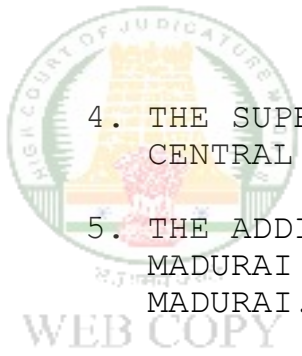
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.



4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to Mr.D.VENKATESH, Advocate (SR-786[I] dated 13/01/2020)

ORDER

IN

CRL OP(MD) No.704 of 2020

Date :13/01/2020

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AE/JC/SAR-II (13.01.2020) 3P 7C