



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.2349 of 2020

Muthumanikandan

... Petitioner/Accused

Vs

state Rep.by
The Sub-Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.433/2019)

... Respondent/Complainant

For Petitioner : M/s.G.Mariappan,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 433/2019 on the file of the Respondent Police.

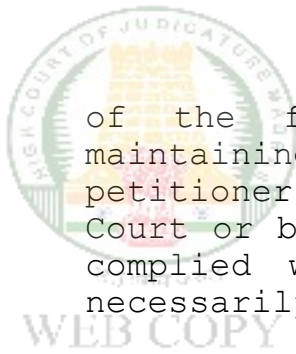
ORDER : The Court made the following order :-

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 07.01.2020 for the offences under Sections 173 and 174(3) of Cr.P.C. @ into Sections 498(A) and 306 of I.P.C., in Crime No.433 of 2019 on the file of the respondent police. Hence, he seeks bail.

3. The petitioner's wife committed suicide by hanging herself. A male child born to the couple is now with the father-in-law of the petitioner. The petitioner is eking his livelihood by vending flowers.

4. The petitioner's counsel on instructions states that the petitioner will remit a sum of Rs.2,000/- per month in the account



of the father-in-law of the petitioner for the purpose of maintaining his child. Of course, in a regular proceedings, if the petitioner is given guardianship and custody by the Jurisdictional Court or by arrangements of the parties, this condition need not be complied with. But till then this condition will have to be necessarily complied with.

5. Recording the petitioner's undertaking given through his counsel, 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 Judicial Magistrate No.I, Virudhunagar.

(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].

sd/-
11/02/2020

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.
4. THE SUB-INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-2828[I] dated 11/02/2020)

ORDER IN
CRL OP(MD) No.2349 of 2020
Date :11/02/2020

MS/PN/SAR-1/11.02.2020/2P.7C

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