



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.3712 of 2020

Thirumurugan

... Petitioner/Accused No.1

Vs.

State Rep.by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.327/2019)

... Respondent/Complainant

For Petitioner : M/s.D.R.Murugesan,
Advocate.

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

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

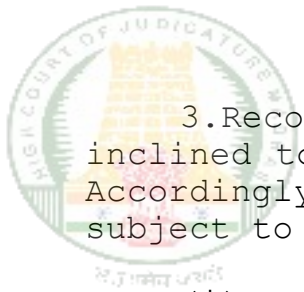
PRAYER :-

For Bail in Crime No. 327/2019 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 29.01.2020 for the offence under Section 306 of IPC in Crime No.327 of 2019 on the file of the respondent police. The petitioner's wife committed suicide leaving behind a tiny baby. The child is with the mother in law of the petitioner. The petitioner gives an undertaking before this Court that after coming out on bail, he would deposit a sum of Rs.3,000/- before the 5th day of every month in the account of the mother in law of the petitioner. This liability will continue irrespective of the outcome of the proceedings. The petitioner as the father of the child is obliged to maintain the child. It is always open to the defacto complainant or the next friend of the child to apply for higher relief against the father of the child. This is of course without prejudice to the defence in the trial.



3. Recording the undertaking given by the petitioner, 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.II, Thanjavur District.

(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/-
28/02/2020

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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.II, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL, PATTUKOTTAI.
4. THE INSPECTOR OF POLICE,
VALLAM POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.R.MURUGESAN, Advocate (SR-4347[I] dated 28/02/2020)

ORDER
IN
CRL OP(MD) No.3712 of 2020
Date :28/02/2020

MS/VR/SAR-2/28.02.2020/2P.7C