



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.3793 of 2020

NAMBIRAJAN

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.305/2019.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Jothi Basu,
Advocate.

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

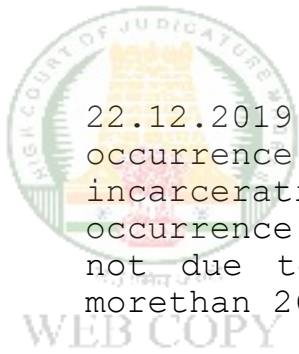
for bail in Crime No. 305 of 2019 on the file of the
respondent police

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ sole accused
seeking bail for the alleged offence punishable under Sections 323,
307 of IPC r/w.Section 4 of TNPHW Act @ 302 of IPC.

2. It is case of 307 @ 302 of IPC in view of the death of
victim alleged to have been died due to strangulation of the
petitioner.

3. According to the learned counsel for the petitioner, the
petitioner herein went to the house of the deceased and tried to
misbehave with her. When she raised alarm he strangled her with
hand and fled from the scene of occurrence. On arrival of the
police the victim was immediately taken to hospital on



22.12.2019 and she died on 18.01.2020 after 26 days to the occurrence. He would also submit that the petitioner is in incarceration for the past 71 days and seeks bail stating that the occurrence was not premeditated one and the death of the victim is not due to alleged strangulation, since the victim survived for more than 26 days even according to the prosecution.

4. The learned Additional Public Prosecutor appearing for the State would submit that investigation is almost completed and waiting for report from the forensic lab.

5. Considering the overall facts and circumstances of the case and the course of investigation, this Court is inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam;

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[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/-
03/03/2020

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



TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

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

+1. CC to M/S.G.M.LAW OFFICE, Advocate SR.No.4700

ORDER

IN

CRL OP(MD) No.3793 of 2020

Date :03/03/2020

AAV

JM/PN/SAR 4/03.03.2020/3P/7C