



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8599 of 2020

1.Marikalai
2.Sankili Pandi
3.Chinnadurai

... Petitioners/Accused

Vs

The State rep.by
The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.
Crime No.129/2020.

... Respondent/Complainant

For Petitioners: Mr.U.Kasipandian,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

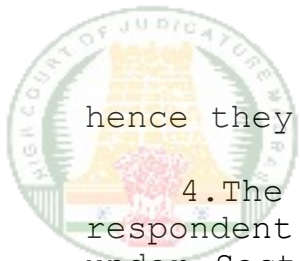
For Bail in Crime No.129/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners herein were arrested on 07.07.2020 for the alleged offence under Sections 323 and 306 of IPC and under Section 4 of Tamilnadu Prohibition of Women Act, in Crime No.129 of 2020 on the file of the respondent police, seeks bail.

2.The petitioners herein are arrayed as A1 to A3. The allegation against the petitioners is that due to family dispute, there was a wordy quarrel between the petitioners and the deceased, due to which, the deceased said to have committed suicide by consumed poison and subsequently she died.

3.The learned counsel for the petitioners submitted that the first petitioner is the husband of the deceased and the petitioners 2 and 3 are brothers of the first petitioner/A1. He further submitted that the petitioners are in jail for nearly 48 days and



hence they may be granted bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that initially a case was registered under Section 174 of Cr.P.C., and after, the case was altered into Sections 323 and 306 of IPC and under Section 4 of Tamilnadu Prohibition of Women Act.

5.Taking note of the above facts and circumstances of the case and also taking note of the fact that the period of incarceration and the occurrence said to have taken place in a family dispute, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti.

i) 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

ii) the petitioners shall report before the respondent police as and when required for interrogation.

iii)the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

vi) If the petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/08/2020

/ TRUE COPY /

/08/2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO II
KOVILPATTI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
PASUVANTHANAI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE OFFICER INCHARGE,
PEROORANI DISTRICT JAIL, SRIVAICKUNDAM.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.U.KASI PANDIAN, Advocate (SR-6087[I] dated
25/08/2020)

ORDER

IN

CRL OP(MD) No.8599 of 2020

Date :25/08/2020

VSG

TK/VR/SAR.3/25.08.2020/3P/7C