



WEB COPY

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

Date : 15/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9762 of 2020

Marimuthu @ Muthukutti

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District.
Crime No.157/2020.

... Respondent/Complainant

For Petitioner : M/s.R.J.Karthick,
Advocate.

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

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

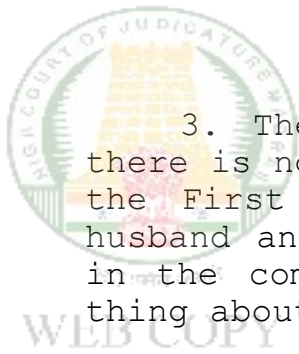
PRAYER :-

For Bail in Crime No.157/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 24.08.2020 for the alleged offences under Sections 174 Cr.P.C @ 306 of IPC

2. The deceased in this case is the wife of the petitioner. The case of the prosecution is that the marriage between the petitioner and the deceased took place on 13.12.2018 and they are blessed with a male child. There was quarrel between the petitioner and the deceased and four days prior to the occurrence there was a quarrel, between the petitioner and the deceased and on 27.07.2020 the deceased said to have committed suicide by hanging. Subsequently based on the complaint given by the father of the deceased initially crime was registered under Section 174 Cr.P.C and after investigation it has been altered to Section 306 of IPC.



3. The learned counsel for the petitioner would submit that there is no allegation of dowry demand or harassment and even as per the First Information Report it was only a quarrel between the husband and wife, due to which the deceased committed suicide. Even in the complaint also the defacto complainant has not stated anything about the dowry demand or harassment.

4. The learned Government Advocate (Crl. Side) would submit that due to the harassment made by the petitioner herein the deceased committed suicide by hanging and the investigation is under way.

5. Taking note of the above facts and circumstances of the case also taking note of the fact that there is no allegation of dowry demand or harassment and also taking into consideration that there was a quarrel between the husband and wife and due to the same wife committed suicide, also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following 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, Sankarankovil

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 petitioner shall report before the respondent police as and when required for interrogation.

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

iv) the petitioner 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 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].

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

sd/-

15/09/2020

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/ /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.

TO

1. THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
SUB JAIL,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.

ORDER
IN
CRL OP(MD) No.9762 of 2020
Date :15/09/2020

AAV
TE/JC/SAR-I : 15/09/2020 : 3P/6C