



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

Date : 07/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . Nos.10909 and 10926 of 2020

Panayadiyaan

... Petitioner/Accused No.6
in Crl.O.P(MD) No.10909 of 2020

1. K.Sundar

2. S.Seran Senguttuvan

... Petitioner/Accused 1 & 2
in Crl.O.P(MD) No.10926 of 2020

Vs

State rep. by
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
(Crime No.864 of 2020).

... Respondent/Complainant
in both petitions

(In both petitions)

For Petitioners : M/s.T.Lenin Kumar,
Advocate.

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

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

COMMON PRAYER :-

For Bail in Crime No. 864 of 2020 on the file of the Respondent
Police

COMMON ORDER : The Court made the following order :-

The petitioners/A6, A1 and A2 herein were arrested on
15.09.2020, 11.09.2020 and 13.09.2020 respectively for the alleged
offences under Sections 174 Cr.P.C @ 306 of IPC.

2. The case of the prosecution is that on 02.09.2020 there was
a wordy quarrel between A1's wife and the deceased and during the
service equities.gov.in/lcservice23/ A1's wife attacked the deceased by pulling her hair.



Thereafter A1 to A4 armed with weapons and also threatened her with dire consequences. Being humiliated with the act the deceased committed suicide by consuming poison on 02.09.2020 and thereafter she died on 10.09.2020.

3. The learned counsel for the petitioners would submit that A1 fell in love with the deceased and due to their status marriage could not taken place between them. Thereafter A1 got married with another women and she also gave birth to a child. While being so, the deceased compelled the first accused to marry her. In response to the said request there was a quarrel between the wife of the first accused and the deceased. Hence on 02.09.2020 the first accused family members threatened the deceased with dire consequences for which she consumed poison, immediately taken to hospital for treatment and died on 10.09.2020. He further submitted that there is no suicidal note or statement recorded from the deceased herein to implicate the petitioners herein as accused for the offence under Section 306 of IPC.

4. The learned Government Advocate (Crl.Side) would submit that due to quarrel between the A1 's wife and the deceased on 02.09.2020 all the family members of the first accused threatened the deceased with dire consequences for which she consumed poison and died on 10.09.2020. She would also submit that specific overt act has been attributed against the petitioners and they are only responsible for the deceased to consume poison.

5. It is seen that there are six accused in this case and the petitioners herein are arrayed as A1,2,and 6. A1 fell in love with the deceased and due to their status marriage could not taken place between them. Thereafter A1 got married with another women and she also gave birth to a child. While being so, the deceased compelled the first accused to marry her. In response to the said request there was a quarrel between the wife of the first accused and the deceased. Hence on 02.09.2020 the first accused family members threatened the deceased with dire consequences for which she consumed poison, immediately taken to hospital for treatment and died on 10.09.2020. It is curious to note that no dying declaration or statement was recorded from the deceased though she was alive in the hospital for 7 days. Therefore there is no material to show that the petitioners instigated the deceased to commit suicide.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the learned Judicial Magistrate No.III, Trichy.



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 daily at 10.30 a.m for a period of two weeks and thereafter 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/-
07/10/2020

/ TRUE COPY /

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

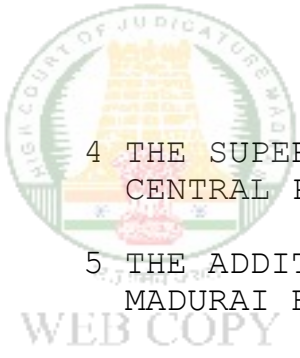
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE NO.III,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

ORDER
IN
CRL OP (MD) . Nos.10909
and 10926 of 2020
Date :07/10/2020

aav
JM/VR/SAR II/07.10.2020/4P/6C