



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

Date : 14/12/2020

PRESENT

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

CRL OP(MD). No.12774 of 2020

Captan Prabaharan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Rayappanpatti Police Station,
Theni District.

Crime No.908 of 2020

... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate
for M/s.M.Eswaran, Advocate.
For Respondent : Ms.Ananthadevi,
Government Advocate (Crl.Side)

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

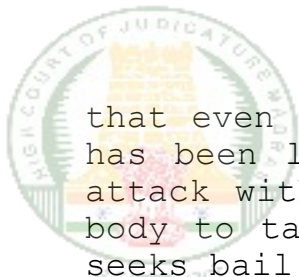
PRAYER :- For Bail in Crime No.908 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 15.07.2020 for the offences punishable under Section 302 of I.P.C on the file of the respondent police seeks bail.

2. The case of the prosecution is that the accused got married with the deceased 9 years before and it was love marriage and there was quarrel between them. While being so on 04.10.2020 due to dispute between the husband and wife, the petitioner thrashed her into the well and as such she sustained grievous injuries. Immediately she was taken to hospital and thereafter due to grievous injuries sustained she died.

3.The learned counsel for the petitioner would submit that the petitioner got married with the deceased and it was a love marriage and out of their wedlock they were blessed with two children. While being so, due to quarrel between them the petitioner herein pushed down her and she sustained injuries on her head, immediately she was taken to hospital, unfortunately she died. He further submitted



that even according to the case of prosecution no other allegation has been levelled against the petitioner as such dowry demand or attack with deadly weapons. He would also submit that there are no body to take of the two children of the petitioner herein, hence he seeks bail.

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4. The learned Government Advocate (Crl. Side) would submit that due to quarrel between the husband and wife the petitioner thrashed the victim on the well and as such she sustained injuries on her head and immediately she was taken to hospital and she died in the hospital on the same day. She would also submit that as per the confession statement, there is a demand of dowry from the petitioner's family.

5. It is seen that the petitioner is a sole accused. The petitioner and the deceased got married nine years before and also gave birth to two children. While being so on 04.10.2020 there was a quarrel between the petitioner and the deceased, in which the petitioner thrashed the deceased into the well and as such she sustained injuries on her head. Though she was taken to hospital immediately she died on the same day. Except the confession statement of the there is no document to show that there was demand of dowry from the petitioner or his family members since it was a love marriage. Now there is no body to take care of the two children.

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 petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District

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 daily at 10.30 a.m and 5.30 pm., until further orders.

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 Court is entitled to take appropriate action

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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/-

14/12/2020

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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, UTHAMAPALAYAM,
THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
4. THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.ESWARAN, Advocate (SR-8141[I] dated 14/12/2020)

ORDER

IN

CRL OP(MD) No.12774 of 2020

Date :14/12/2020

MS/PN/SAR-3/14.12.2020/3P.7C