



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2020

PRESENT

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

CRL OP(MD) . No.13493 of 2020

Sakthipandi

... Petitioner/Accused No.1

Vs

State, rep.by
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.616/2020).

... Respondent/Complainant

For Petitioner : M/s.A.Jayaramachandran,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

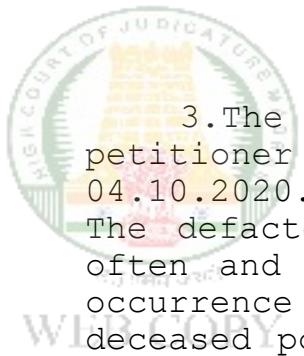
PRAYER :-

To enlarge the Petitioner / Accused on bail in Crime No.616 of 2020 pending on the file of the respondent.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 04.10.2020 for the offences punishable under Sections 174(3) Cr.P.C @ 294(b), 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the 1st accused had illegal intimacy with the deceased. The deceased already got married and on 03.10.2020, when the defacto complainant and his family members were sleeping in their house, the 1st accused went to the house of the deceased and he had been got red handed by the family members. The 2nd accused, who is the mother of the 1st accused came to the place of occurrence and scolded the deceased with filthy language for their illegal relationship. On the same date, at about 4.30 p.m she poured kerosene and set out fire on herself and died.



3.The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 04.10.2020. The petitioner is neighbour to the defacto complainant. The defacto complainant usually suspects his wife's fidelity very often and quarreled with the deceased. Therefore, on the date of occurrence also there was a quarrel between them and as such, the deceased poured kerosene and set out fire on herself and committed suicide. The petitioners are no way connected with the offence as alleged by the prosecution. Hence, he prayed for bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the 1st accused had illegal intimacy with the deceased. The 1st accused had been got red handed by the defacto complainant namely the husband of the deceased. The 2nd accused, who is the mother of the 1st accused came to the house of the defacto complainant and scolded the deceased with filthy language for their illegal relationship and also threatened her as 'go and die'. Only on her instigation, the 1st accused went to the house of the deceased. Hence, the accused only induced the deceased to commit suicide. He would also submit that co-accused in this case was granted bail by this Court.

5.It is seen that the 1st accused had illegal intimacy with the deceased and on the date of occurrence on 04.10.2020, he had been got red-handed by the defacto complainant namely the husband of the deceased. The 2nd accused namely the mother of the 1st accused went to the house of the deceased and scolded her with filthy language. Therefore, at about 4.30 p.m the deceased committed suicide by pouring kerosene and set out fire on herself. Insofar as the 2nd petitioner is concerned, the mother of the 1st accused only after known the fact that the 1st accused had illegal intimacy with the deceased, she went to the house of the deceased and scolded her and she was granted bail by this Court.

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 No.I, Virudhunagar

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 for a period of four weeks and thereafter as and



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/-

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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 NO.I, VIRUDHUNAGAR.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE OFFICER INCHARGE, VIRUDHUNAGAR SUB-JAIL.

4. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.13493 of 2020

Date : 27/11/2020

AAV

AE/PN/SAR-III (27.11.2020) 3P / 6C