



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.13658 of 2020

Vickneshwaran

... Petitioner/Accused 1

Vs

State Rep. by

The Inspector of Police,
K.Pudupatty Police Station,
Pudukkottai District.

In Crime No.339 of 2020.

... Respondent/Complainant

For Petitioner : M/s.N.Ravisankar Vallatharasu,
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. 339 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 01.11.2020 for the offences punishable under Sections 294(b), 506(i) of IPC r/w. Section 4 of TNPHW Act @ section 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 31.10.2020 when the defacto complainant daughter and her sister went to the Pallathur Computer centre the first accused along with other accused persons came there and shown photos to the deceased consisting of the first accused and the deceased when the deceased had no knowledge about the said photos. The first accused stated that he also visited her house and offered to marry the deceased. He further submitted he will come to her house and will show the photos of the deceased to other persons now arranged for marriage with the deceased, due to said humiliation she committed suicide by pouring kerosene on her and set ablaze. Immediately she was taken to hospital and

<https://hds.courts.gov.in/hds/cases> on 01.11.2020.



3.The learned counsel for the petitioner would submit that the petitioner and the deceased fell in love and the loved each other for more than five years. When the petitioner's family members went to the house of the deceased for arranging marriage they came to understand that the deceased fell in love with another person and as such the petitioner herein only warned since he was cheated by the deceased and thereafter due to same, the deceased committed suicide by pouring kerosene herself and her ablaze and died. He further submitted that the petitioner was arrested and remanded to judicial custody on 01.11.2020 and A2 in this case was arrested and subsequently released on bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally two accused in this case and the petitioner herein is arrayed as A2. The petitioner fell in love with the victim girl and also compelled her to live with him. Subsequently the deceased fell in love with other person and as such the petitioner threatened the deceased when the deceased and her sister went to the computer centre at Pallathur by showing the photos. Due to which the deceased got humiliated and immediately rushed to her house, poured kerosene on her and set her ablaze on her own. Immediately she was taken to hospital and on the next day she died.

5. It is seen that there are totally two accused in this case and the petitioner herein is arrayed as A1. The first accused threatened the deceased on 31.10.2020 by showing the photos consisting of the petitioner and the deceased. He also made a threat to the victim that he will come to her house and show the photos to other persons. Due to which the deceased got humiliated and committed suicide by pouring kerosene and set her ablaze. On perusal of the dying declaration it is seen that the petitioner has threatened the deceased with dire consequences by showing the photos. Further the petitioner was arrested and remanded to judicial custody on 01.11.2020 and A2 in this case was released on bail.

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 sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukottai 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



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 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/-
01/12/2020

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE,
K.PUDUPATTY POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
CENTRAL PRISON, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13658 of 2020
Date :01/12/2020

aav

<https://hcma.certh.org/12.2020/3P/6C>