



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2020

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PRESENT

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

CRL OP(MD). No.14698 of 2020

Sudhakar

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
Crime No.1386/2020.

... Respondent/Complainant

For Petitioner : M/s.AN.Ramanathan, Advocate.

For Respondent : Ms.Ananthadevi,
Government Advocate (Criminal Side)

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

PRAYER :-

For a Bail in Crime No.1386 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 17.11.2020 for the offences punishable under Sections 174(3) of Cr.P.C @ 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the defacto complainant has come from Chennai to his native place. On 14.11.2020, the petitioner being the brother-in-law of the deceased removed the dhoti of the deceased under drunken mood and it induced the deceased to commit suicide.

3.The learned counsel for the petitioner would submit that there was no material against him to rope into the occurrence and there is no abetment to commit suicide by the petitioner at any point of time, hence he prayed to grant bail to the petitioner.

4.The learned Government Advocate(Criminal Side) would submit that the petitioner being the brother-in-law of the deceased



removed the dhoti of the deceased under drunken mood and it induced the deceased to commit suicide.

5.It is seen that the petitioner in a drunken mood removed the dress of the dhoti of the deceased, due to which she got humiliated and committed suicide. It is also seen that there is no abetment or instigation by the petitioner 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 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.II, Kumbakonam, Thanjavur 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 stay at Madurai and report before the Tallakulam Police Station daily at 10.30 a.m and 5.30 pm., for a period of four weeks and thereafter before the respondent police daily at 10.30 am., for a period of two weeks and thereafter 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].

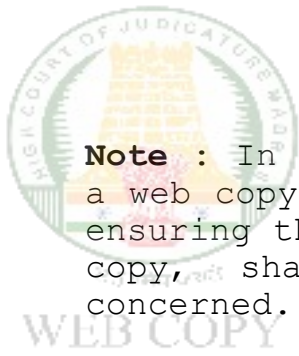
vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/12/2020

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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 JUDICIAL MAGISTRATE NO.II,
KUMAKONAM,
THANJAVUR DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
DISTRICT JAIL,
PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,
NACHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.
5. THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.14698 of 2020

Date :14/12/2020

AAV

SRS/VR/SAR-III/14.12.2020/3P/6C