



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

Date : 17/12/2020

PRESENT

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

CRL OP(MD). No.15009 of 2020

Kavitha

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur, Thanjavur District.
Crime No.1212/2020.

... Respondent/Complainant

For Petitioner : M/s.G.Innisai,
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.1212/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 30.11.2020 for the offences punishable under Sections 174 Cr.P.C @ 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the accused in this case has illegal intimacy with the deceased. Utilizing the said circumstances the deceased also received jewels and cash from the accused. Due to covid-19 pandemic situation the accused demanded her jewels from the deceased, due to which there was a wordy quarrel between the accused and the deceased and in the said quarrel the accused scolded him and asked to go out of the home, due to the said humiliation the deceased committed suicide in the house of the accused by hanging. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a Diploma holder in acu pressure and giving acu pressure at her residence and the deceased was her customer. On



29.11.2020 when the deceased came to the house of the petitioner for treatment the petitioner found the petitioner in inebriated mood directed him to go out of the house and locked the door. He further submitted that the petitioner was arrested and remanded to judicial custody on 30.11.2020, hence he seeks bail.

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4. The learned Government Advocate(Crl.Side) would submit that initially case was registered under Section 174 Cr.P.C and thereafter the case has been altered to Section 306 of IPC. The defacto complainant lodged complaint alleging that the deceased had illegal intimacy with the petitioner herein and due to which there was a wordy quarrel in which the petitioner herein said to have scolded him with filthy language and also directed him to go out and die.

5. It is seen that the petitioner is a sole accused. According to the case of prosecution the petitioner had illegal intimacy with the deceased and utilizing the said circumstances, the deceased received jewels and cash from the petitioner and when the petitioner demanded there was a wordy quarrel due to which the deceased committed suicide by hanging in the house of the petitioner.

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 Judicial Magistrate No.I, Thanjavur

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 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 *Govindarajan P. 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/-
17/12/2020

/ TRUE COPY /

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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.I, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT,CENTRAL PRISON,
TRICHY.
4. THE INSPECTOR OF POLICE,
THANJAVUR SOUTH POLICE STATION,
THANJAVUR,THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.INNISAI, Advocate (SR-8277[I] dated 17/12/2020)

ORDER
IN
CRL OP(MD) No.15009 of 2020
Date :17/12/2020

MS/VR/SAR-2/17.12.2020/3P.7C