



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.14606 of 2021

1. Thiyagarajan .. petitioners
2. Ramalingam
3. Raghul
4. Arshunan
5. Thenila
6. Madhu

Vs.

State Rep by .. Respondent
The Inspector of Police,
Valapady Police Station,
Salem District
(Cr.No.368 of 2021)

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail in in Cr.No.368 of 2021 on the file of the respondent police.

For petitioners : Mr.R. Nalliyappan

For Respondent : Mr.A. Gopinath
Government Advocate (Criminal Side)

ORDER

The petitioners who was arrested on 28.07.2021 and remanded to judicial custody for the offences under Section 174(3) of Cr.P.C and 201 of I.P.C altered to 201,306 and 176 of I.P.C in Crime No.368 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first petitioner married the deceased two months before the date of occurrence and there was a matrimonial dispute between them for which the deceased committed suicide in the Matrimonial home. It is alleged that the family members of the deceased who are the petitioners herein disclosed the death of the deceased to their relatives and buried the body. Hence the law enforcing agency registered a case against the petitioners

3. The learned counsel appearing for the petitioners submitted that the occurrence took place on 20.06.2021 and the case was registered on 08.07.2021 by the Village Administrative Officer. He further submits that it is a natural death and the petitioners have



not committed any offence as alleged by the prosecution and they have been falsely implicated in the case and he is in judicial custody from 28.07.2021. Hence he prays for grant of bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) submitted that there was no previous case pending against the petitioners and investigation is pending. However he opposed for grant of bail to the petitioners.

5. Considering the facts of the case and the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on they 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, Valapady and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second and third petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

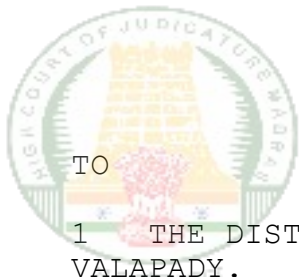
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

08/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VALAPADY.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VALAPADY POLICE STATION,
SALEM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, ATTUR, SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary
charges SR.NO.9798

CRL OP.14606/2021

Date :08/09/2021

CSK 09/09/2021