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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 09/02/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD). No.672 of 2021

Sakthivel

... Petitioner/Sole Accused

Vs

The State rep.by  
The Inspector of Police,  
Thathaiyangarpet Police Station,  
Thathaiyangarpet,  
Trichy District.  
Crime No.3 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,  
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. 3/2021 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 17.12.2020 for the offences punishable under Section 306 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the marriage between the deceased and the petitioner was solemnized on 02.09.2019 and frequently there was quarrel between them, due to which the deceased committed suicide by falling into the well. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence. He would also submit that after the occurrence the petitioner had taken the



deceased to hospital and he was with her. He would also submit that the petitioner is in jail for more than 40 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner being husband of the deceased said to have harassed her, due to which she committed suicide. He would also submit that RDO report is awaited.

5. It is seen that the marriage between the deceased and the petitioner was solemnized on 02.09.2019 and the deceased was suffering with some ailments, for which she was taking treatment and the petitioner had provided moral support to her. On the date of occurrence there was a quarrel between them, in which the deceased jumped into the well and the petitioner had taken steps to rescue her from the well, taken her to hospital in an ambulance where she was declared brought dead. Though this Court adjourned the case on three occasions for RDO report, the respondent police is unable to produce the same and it is not known for what reason the RDO is keeping the report pending.

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, Thuraiyur.

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 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/-  
09/02/2021

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/ /2021

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, THURAIYUR.
  - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
  - 3.THE INSPECTOR OF POLICE,  
THATHAIYANGARPET POLICE STATION,  
THATHAIYANGARPET,  
TRICHY DISTRICT
  - 4.THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.
  - 5.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C.to Mr.K.ARUNRAJ Advocate SR.No.815

ORDER  
IN  
CRL OP(MD) No.672 of 2021  
Date :09/02/2021

AAV  
TK/VR/SAR.1/09.02.2021/3P/7C