



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

Date : 05/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1525 of 2021

Arumuga Nainar

... Petitioner/Accused

Vs

State Rep.by
The Sub Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.509 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.P.R.Prithviraj,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

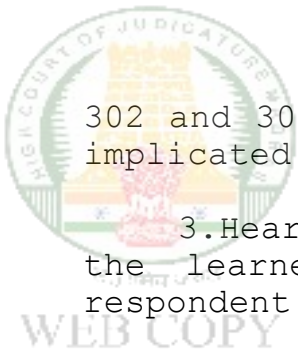
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.509 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused.Rank Not Known, who was arrested and remanded to judicial custody on 07.01.2021 for the offence punishable under Section 306 of IPC, in Crime No.509 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the husband and the defacto complainant is the mother of the deceased. The marriage between the petitioner and the defacto complainant had taken place in the year 2011. Out of their wedlock, they were blessed with female child. Thereafter, the petitioner herein suspected the character of the deceased, due to which, there was a quarrel between them. On 07.01.2021, the petitioner, the deceased and her 1 ½ years old child came to the defacto complainant's house. Suddenly, the petitioner left the house. Thereafter, the defacto complainant went to ration shop. At that time, the deceased has committed suicide by pouring kerosene upon body and set fire herself and to her 1 ½ years old daughter. Thereafter, they were taken to Hospital with burn injuries and died. Initially, the case was registered in Crime No.509 of 2020 for the offence under Sections



302 and 309 against the petitioner's wife, later the petitioner was implicated and altered the offence under Section 306 of IPC.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the deceased was suffering from "Postpartum Psychosis", for which she was regularly taking treatment, hence there was some family dispute. Further, the deceased has developed a illusion that the petitioner was posting wrong message about her in the Social Media. In view of the same, he is falsely implicated in this case. He further submitted that the petitioner was arrested on 07.01.2021 and he is still in custody. Hence, he seeks bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner has committed very serious offence and Dying Declaration was recorded by the Judicial Magistrate, in which, it is stated that the petitioner is the only cause for the death of the deceased. Hence, he strongly opposed this petition.

6. Taking note of the above facts and circumstances of the case the medical records produced by the petitioner perused and it is found that the deceased was suffering from "Postpartum Psychosis" and she was under constant medication. Further the mobile phone of the petitioner seized and sent for forensic examination. In the dying declaration, a remark is made about torture, without details, further 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.V, Tirunelveli.

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 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/02/2021

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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.V, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
MANUR POLICE STATION, TIRUNELVELI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON,
TIRUNELVELI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1525 of 2021

Date : 05/02/2021

VSG

MS/VR/SAR-4/08.02.2021/3P.6C