



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

Date : 23/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4424 of 2021

Abraham

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Nangunerin Police Station,
Tirunelveli District.
Crime No.60/2021

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

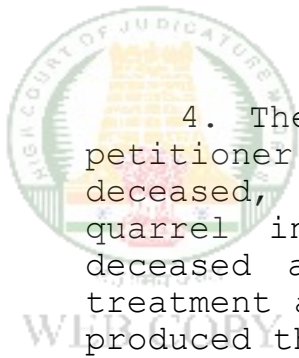
PRAYER :- For Bail in Crime No.60 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 25.02.2021 for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC @ 294(b), 307, 506(ii) and 302 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the marriage between the petitioner and the deceased was solemnized 13 years back and they were blessed with three children. The petitioner is a drunkard and he often used to quarrel with the deceased. On the date of occurrence there was a quarrel in which the petitioner herein poured kerosene on the deceased and set fire. Hence the complaint.

3.The learned counsel for the petitioner would submit that on the date of occurrence the deceased herself poured kerosene to threaten the petitioner but unfortunately she sustained injuries and the petitioner who attempted to save her also sustained injuries and now taking treatment in the government hospital, hence he seeks bail.



4. The learned Additional Public Prosecutor would submit that petitioner is a drunkard and he often used to quarrel with the deceased, due to which on the date of occurrence there was a quarrel in which the petitioner herein poured kerosene on the deceased and set fire. The deceased was taken to hospital for treatment and after five days she succumbed to injuries. He has also produced the dying declaration.

5. It is seen that on 04.02.2021 the deceased committed suicide by pouring kerosene on her. The petitioner herein attempted to save her, in which he also sustained injuries and now taking treatment in the Government Hospital as inpatient. Further the petitioner had only taken the deceased to the hospital for treatment and the deceased was alive for a week and thereafter only she died. Further in the dying declaration the deceased had stated that she committed suicide on her own and about the efforts taken by the petitioner to save her life, the deceased not stated anything adverse about the petitioner in her dying declaration. The three children of the petitioner is taken care by the petitioner's parents.

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, Nanguneri.

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 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/-
23/03/2021

/ TRUE COPY /

WEB COPY

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

ORDER
IN
CRL OP(MD) No.4424 of 2021
Date :23/03/2021

AAV
MS/VR/SAR-4/23.03.2021/3P.6C