



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

Date : 08/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7343 of 2021

Nathish Kumar

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Manapparai Police Station,
Tiruchirappalli District.
(Crime No.209 of 2021).

... Respondent/Complainant

For Petitioner : Mr.B.Jameelarasu,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.209 of 2021 on the file of the respondent police.

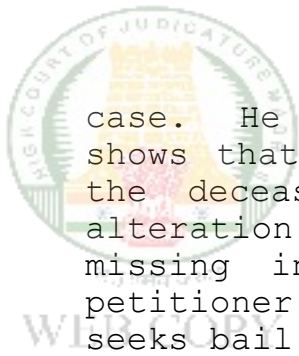
ORDER : The Court made the following order :-

The petitioner, who was arrested on 29.03.2021 for the offences punishable under Sections girl missing altered into Section 306 IPC in Crime No.209 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased and the petitioner were said to be in love with each other and the same was opposed by the mother of the deceased. On 27.03.2021, at about 05.30 pm., the petitioner along with one Nethaji came to the deceased's house. The deceased came out from the house and moved towards forest followed by the petitioner. The defacto complainant also followed them. However, she could not find either the petitioner the defacto complainant. Subsequently, the body of the deceased was recovered from the well. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this

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case. He would further submit that the postmortem of the deceased shows that there was nothing to suggest homicidal in the death of the deceased and she had committed suicide and therefore, an alteration report has been filed by altering the Section from girl missing into Section 306 IPC. He would also submit that the petitioner is in judicial custody from 29.03.2021 and hence, he seeks bail for the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition on the ground that the investigation in this case is not completed.

5.However, considering the materials filed by the learned counsel for the petitioner in the form of typed-set, which shows that the respondent police has completed substantial part of the investigation and alteration report has been filed altering the provision from girl missing into Section 306 IPC and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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 Court, Manapparai, Trichy District. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 am., 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 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/-
08/06/2021

/ 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, MANAPPARAI,
TRICHY DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7343 of 2021
Date : 08/06/2021

GNS
PK/MNR/SAR-III/08.06.2021 : 3P/6C