



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

Date : 21/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.6829 of 2021

1.Muthukumar
2.Balamurugan

... Petitioners/Accused No.1 & 2

Vs

State rep. by
The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram.
Crime No.118 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Vikram.S,
Advocate.

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

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

PRAYER :- For Bail in Crime No.118/2021 on the file of the
respondent police

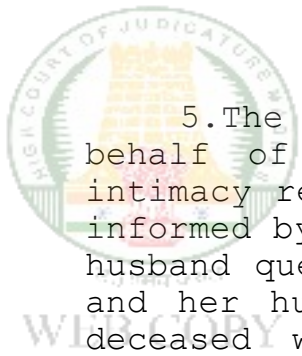
ORDER : The Court made the following order :-

The petitioners are in custody from 07.05.2021 for the offences
under Sections 174(3) of Cr.P.C., @ 306 of I.P.C in Crime No.118 of
2021 on the file of the respondent police.

2.Heard both sides.

3.The case of prosecution is that on 03.05.2021 at about 07.00
p.m., the petitioners falsely informed to the husband of the
deceased as if, the deceased had illegal intimacy with one man. The
deceased's husband questioned the same. Therefore, the deceased
committed suicide. Hence the complaint.

4.The learned counsel for the petitioners would submit that the
petitioners and the deceased are the same villagers and the husband
of the deceased and the petitioners are associates. He would further
submit that the petitioners are innocent persons and they are
nothing to do with the alleged offence and they are falsely
implicated in this case. They seek bail.



5.The learned Government Advocate (Criminal Side) appearing on behalf of the respondent police would submit that the illegal intimacy relationship between the deceased and one Kesavan has been informed by the petitioners to the husband of the deceased. When the husband questioned the same, quarrel broke out between the deceased and her husband and on the next day, this was questioned by the deceased with the petitioners. They alleged to have told the deceased to go and die and because of that, she committed suicide. Whether this amounts to committing suicide or creating circumstances, which driven deceased to suicide, is the matter to be decided in investigation or trial. The petitioner is in judicial custody now.

6.Considering the period of incarceration and considering the facts and circumstance of the case and considering the overt act attributed against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on the following conditions:

i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the Judicial Magistrate, Mudhukulathur, Ramanathapuram District.

ii) 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.

iii) The petitioners shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

iv) The petitioners shall not tamper with evidence or witness.

v) the petitioners shall not abscond either during investigation or trial.

vi)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 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]**.

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/05/2021

/ TRUE 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE,
MUDHUKULATHUR, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM.
- 4 THE OFFICER INCHARGE,
SUB JAIL, MUDHUKULATHUR,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6829 of 2021
Date :21/05/2021

ls/mrn
JM/JC/SAR IV/21.05.2021/3P/6C