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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.7979 of 2021

Manikandan ... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District
(Crime No.178/2021) ... Respondent/Complainant

For Petitioner : Mr.Sivabalan.K,
Advocate.
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.178 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 28.03.2021 for the offences punishable under Sections 306 and 307 of I.P.C, later, altered into Sections 306 and 302 of I.P.C., in Crime No.178/2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had extra marital relationship with one lady. When the same was questioned by the wife of the petitioner, the petitioner scolded her and also instigated to drink poison. Thereafter, the wife of the petitioner and her daughter consumed poison and they died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person. The deceased is the wife of the petitioner and the defacto complainant is the mother of the deceased. The petitioner is in judicial custody for the past 87 days. Therefore, he prays to grant bail to the petitioner.

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4.The learned Government Advocate(Crl.Side) would submit that after investigation, the offence under Sections 306 and 307 of I.P.C have been altered into Sections 306 and 302 of I.P.C. He would further submit that there is no previous case pending against the petitioner. So far, four witnesses were examined and viscera report is not yet received. Hence, he opposes to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and the fact that so far four witnesses were examined and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.1,00,000/- (Rupees One lakh 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

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 is directed to deposit a sum of Rs.**2,000/- (Rupees two Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

iv)the petitioner shall not tamper with evidence or witness.

v)the petitioner shall not abscond during trial.

vi)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].

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

sd/-
22/06/2021

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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,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7979 of 2021
Date :22/06/2021

msa
JM/VR/SAR III/22.06.2021/3P/7C

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