



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11403 of 2021

M.Thangadurai

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
(Crime No.334/2020)

... Respondent/Complainant

For Petitioner : Mr.P.T.KANNAN, Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.334 of 2020 on the file of the respondent police.

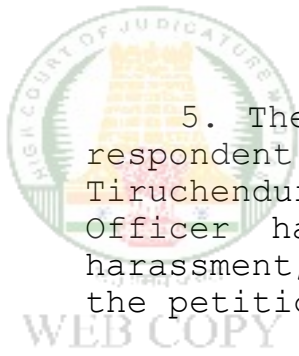
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 07.06.2021, for the offence punishable under Section 302 IPC, in Crime No.334 of 2020 on the file of the respondent police, seeks bail.

2.This is the second bail petition before this Court. The earlier bail petition filed by this petitioner in Crl.O.P.(MD) No.9073 of 2021 was dismissed by this Court on 27.07.2021.

3. The case of the prosecution is that the deceased was married to the petitioner on 10.02.2019 and out of the wedlock, they had a nine-month-old son and the deceased was also four month pregnant at the time of occurrence. On 05.08.2020, when the petitioner asked the deceased to feed his son, she refused the same and due to sudden provocation, the petitioner attacked her and caused death by hitting on her back head and by strangulation.

4.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Since the petitioner is languishing in jail from 07.06.2021, he seeks for grant of bail.



5. The learned Government Advocate(Crl.Side) appearing for the respondent produced the report of the Revenue Divisional Officer, Tiruchendur, dated 09.08.2020, wherein, the Revenue Divisional Officer has stated that the death was not due to any dowry harassment, however, due to sudden quarrel between the deceased and the petitioner over feeding a child.

6. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the period of incarceration and also considering the report of the Revenue Divisional Officer that the death was not due to any dowry harassment, however, due to sudden quarrel between the deceased and the petitioner over feeding a child, this Court is inclined to grant bail to the petitioner.

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, Sattankulam and on further conditions that:

[a] 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.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

sd/-
23/08/2021

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE,
SATTANKULAM.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11403 of 2021
Date :23/08/2021

OGY
MK/PN/SAR.IV/23.08.2021/3P/6C