



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . Nos.11472, 11521 and 11863 of 2021

Shanmugamani	... Petitioner/Accused No.2 in CrI.O.P.No.11472/2021
S.Arul	... Petitioner/Accused No.3 in CrI.O.P.No.11521/2021
S.Arumugam	... Petitioner/Accused No.1 in CrI.O.P.No.11863/2021

Vs

State represented by
The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
Crime No.52 of 2021

... Respondent/Complainant
In All the petitions

(In All the petitions)

For Petitioners: Mr.R.L.Dhilipan Pandian,
Advocate.

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

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

COMMON PRAYER :-

For Bail in Crime No.52 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2, A3 and A1, who were arrested on 29.06.2021 for the offences under Sections 498(A) and 307 I.P.C @ Sections 304 (B) and 302 I.P.C, in Crime.No.52 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused no.3, Arul is the husband of the deceased Geetha and their marriage was solemnized

<https://hcservices.ecourts.gov.in/hcservices/>



on 15.07.2019. After marriage, accused no.3 and other accused demanded more dowry and for want of dowry, they poured kerosene on the deceased and set fire on her, thereby, caused her death. Hence, the case.

3.The learned counsel appearing for the petitioners submits that on frustration, the deceased has committed suicide by pouring kerosene on her body, however, the complaint has been lodged as if these petitioners have poured kerosene on the deceased and killed her. He would further submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, they are in jail from 29.06.2021 and hence, they may be granted bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the deceased died within a period of seven years from the date of marriage and the case was referred to the Revenue Divisional Officer for conducting an inquest. According to the learned Government Advocate (Crl.side), there is no dowry demand made by these petitioners. He would further submit that the final report is yet to be filed.

5.Taking into consideration of the facts and circumstances of the case, the nature of allegations levelled against these petitioners and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

6.Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivaikundam, Thoothukudi District, and on further condition 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond 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 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]**.

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

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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, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALWARTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON,
TIRUNELVELI DISTRICT.
5. THE OFFICER INCHARGE, SUB JAIL,
KOVILPATTI, THOOTHUKUDI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD). Nos.11472, 11521
and 11863 of 2021
Date :25/08/2021

MSA
MS/PN/SAR-2/25.08.2021/3P.7C