



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12057 of 2021

Lakshmanan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police
All Women Police Station,
Virudhunagar
Virudhunagar District
Crime No.6 of 2021

... Respondent/Complainant

For Petitioner : Mr.K.VEILMUTHU,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Bail in Crime No.6 of 2021 on the file of the Respondent police.

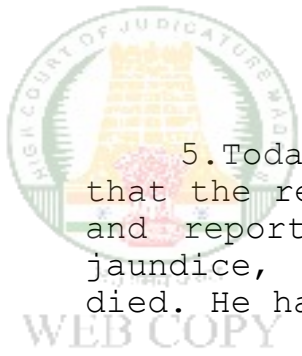
ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 09.07.2021 for the offence under Sections 376, 313 and 506(i) I.P.C, in Crime.No.6 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the husband of defacto complainant's elder sister. The victim died due to the tablets administered by the petitioner. Hence, the complaint.

3.In the earlier occasion, the learned counsel appearing for the petitioner submitted that though it has been projected as if the deceased died due to the tablets administered by this petitioner, it is not the correct fact and it has been wrongly projected.

4.Considering the representation made by the learned counsel for the petitioner, this Court directed the respondent police to ascertain the cause of death and directed to report before this Court.



5.Today, the learned Additional Public Prosecutor would submit that the respondent police verified the same with the Drug Inspector and reported before this Court that the deceased suffered from jaundice, for which, she lost her pancreas and due to that, she died. He has also produced the medical certificate to that effect.

6.Considering the facts and circumstances of the case, the medical report filed by the respondent police and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunager and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

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

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

[e] On breach of any of the aforesaid conditions, the learned Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
29/09/2021

/ 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 NO.II
VIRUDHUNAGAR.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE OFFICER INCHARGE
DISTRICT JAIL, VIRUDHUNAGAR.
 4. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
VIRUDHUNAGAR DISTRICT
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.K.VEILMUTHU, Advocate SR.No.6688

ORDER

IN

CRL OP(MD) No.12057 of 2021

Date :29/09/2021

SA/PN/SAR.1/29.09.2021/3P/7C