



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

Date : 26/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12233 of 2021

Jagatheeshwaran

... Petitioner/Accused
(Rank Not Known)

Vs

The State Rep.by
The Inspector of Police,
Kallakudi Police Station
Trichy District.
Crime No.273 of 2021

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

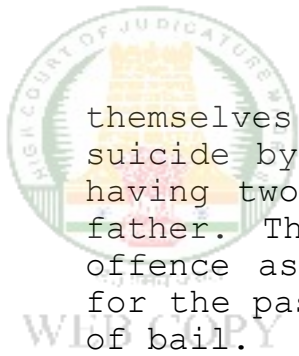
PRAYER :- For Bail in Crime No.273 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 12.07.2021 for the offence punishable under Section 306 I.P.C, in Crime No.273 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother and this petitioner is the husband of the deceased Ajeetha. The petitioner became a drug addict, sold all the jewels and he physically and mentally tortured his wife Ajeetha. Hence, the deceased Ajeetha preferred a complaint before the All Women Police Station, Lalgudi. On 11.07.2021, when the defacto complainant's son went to see his sister, the petitioner was in a drunken mood. On 12.07.2021 at about 6.00 p.m, it was informed that the deceased was found dead. Hence, the case.

3. The learned counsel for the petitioner submits that on 12.07.2021, the petitioner did not went to work. The deceased Ajeetha condemned the petitioner as to why he did not go to job. Even though the petitioner explained that he was not feeling well, she could not understand the petitioner and there was a quarrel between



themselves. Thereafter, she went inside the house and committed suicide by hanging. He would further submit that the petitioner is having two children and they are living without the care of their father. The petitioner is an innocent, he has not committed any offence as alleged by the prosecution and he is inside the prison for the past 45 days. Therefore, the learned counsel prays for grant of bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the final report is yet to be filed.

5. Considering the facts and circumstances of the case, the fact that the petitioner's children are living without the care of their father and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered and 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, Lalgudi, 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 petitioner shall appear before the respondent police daily at 10.30 a.m and 5.30 p.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 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 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]**.

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

sd/-
26/08/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, LALGUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
4. THE INSPECTOR OF POLICE,
KALLAKUDI POLICE STATION
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12233 of 2021

Date : 26/08/2021

MSA

MS/JM/SAR-1/26.08.2021/3P.6C