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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12703 of 2021

1.Iyappan

2.Saroja

... Petitioners/Accused No.1 and 2

Vs

State Rep. by

The Inspector of Police,

Vaataathikottai Police Station

Thanjavur District

(Crime.No.476 of 2021). ... Respondent/Complainant

For petitioners : Mr.R.Alagumani
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.476 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 05.08.2021 for the offences punishable under Section 306 of IPC, in Crime No.476 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first petitioner is the husband of one Kowsalya, the deceased in this case and second petitioner is the mother-in-law of the deceased. The marriage between the first petitioner and the said Kowsalya was performed on 04.06.2017. At the time of marriage gold jewels and strithanas were also given. Thereafter the petitioners along with their family members accompanied the victim. On 04.08.2021 the deceased had called



her sisters and informed that she is facing criminal intimidation from the family members of the petitioners. Then on 05.08.2021, she committed suicide in the house. Hence, the case.

3.The learned counsel for the petitioners submits that the petitioners are innocent persons. He would further submit that the deceased had love affair with another person. When the matter came to the knowledge of the family members of the petitioners, they condemned the activity of the deceased and therefore, she committed suicide by hanging herself.

4.The learned Government Advocate (Crl. Side) would submit that out of misunderstanding between the first petitioner and the deceased, the deceased committed suicide. They have two children and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, considering the fact that the children lost their mother and the father, first petitioner is in judicial custody, the Revenue Divisional Officer has also not concluded the enquiry and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is 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, Pattukottai 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 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.

[d] the petitioners 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 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]**.



[f] If the accused thereafter absconds, 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.

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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, Pattukottai.
2. Do Through
The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Officer Incharge, District Jail, Pudukkottai.
4. The Officer Incharge, Special Prison for Women, Trichy.
5. The Inspector of Police,
Vaataathikottai Police Station
Thanjavur District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.12703 of 2021
Date : 13/09/2021

TR/PN/SAR-I (13.09.2021) 3P 7C