



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

Date : 17/09/2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP(MD). No.13733 of 2021

Shenbagaraj

... Petitioner/Accused

Vs

The State Rep.by  
The Inspector of Police,  
Ettayapuram Police Station  
Thoothukudi District.  
Crime No.272 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu,  
Advocate.

For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

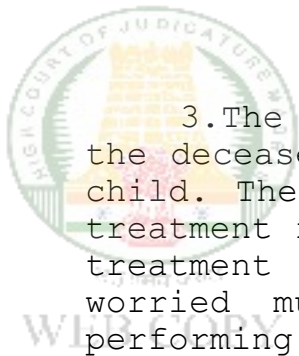
PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :- For Bail in Crime No.272 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 04.08.2021 for the offence under Section 174 Cr.P.C @ 306 I.P.C, in Crime.No.272 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, who is aged about 21 years and the deceased who was at the age of 26 years, fell in love with each other. Due to the love affair between them, they got married and lived jointly as husband and wife for the past 1 ½ years. Subsequently, due to the age gap of 5 years between the petitioner and the deceased, the petitioner tortured the deceased by criticising her appearance that she looked like an aged women and due to the continuous harassment by the petitioner, the deceased committed suicide by hanging. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the deceased always felt bad for her inability in giving birth to a child. The petitioner as well as the deceased have taken fertility treatment for the past 8 months, but, there is no improvement in the treatment taken by them. Because of the reason, the deceased has worried much and committed suicide by hanging herself. After performing the last rites of the deceased, the petitioner has voluntarily surrendered before the respondent police. He further submits that the petitioner has not committed any offence as alleged by the prosecution. He is inside the prison from 04.08.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police confirmed that the age of the deceased is 26 and the age of the petitioner is 21. There was a five years difference between themselves and due to love affair, they got married. She could not give birth to a child. He would submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled as against this petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. 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, Kovilpatti 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 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 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



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

sd/-  
17/09/2021

/ TRUE COPY /

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

ORDER  
IN  
CRL OP(MD) No.13733 of 2021  
Date :17/09/2021

MSA  
MS/PN/SAR-1/17.09.2021/3P.6C