



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11.11.2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.16564 of 2021

Arunkumar ... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Ettayapuram Police Station,
Tuticorin District.
Crime no.328 of 2021 ... Respondent/Complainant

For Petitioner : Mr.C.Mayilvahana Rajendran,
Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

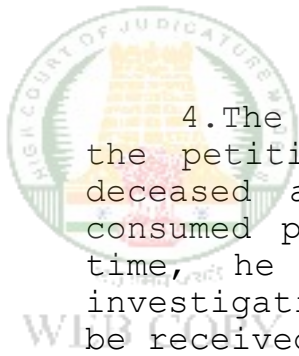
For Bail in Crime No.328 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 28.09.2021 for the offences punishable under Section 174 of Cr.P.C @ 306 of IPC in Crime No.328 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had developed illegal intimacy with the wife of the deceased. On knowing the same, the deceased advised them not to continue their illegal relationship. But even thereafter, they also continued their relationship. Therefore, the deceased committed suicide by consuming poison. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 28.09.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor would submit that the petitioner is having illicit intimacy with the wife of the deceased and that on the previous occasion, the deceased also consumed poison, but he was saved. Subsequently, for the second time, he consumed poison. He would further submit that the investigation is pending and the chemical analysis report is yet to be received.

5.Considering the above and also the facts that the petitioner is in judicial custody from 28.09.2021, that substantial portion of the investigation is completed except the receipt of the chemical analysis report and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant bail to the petitioner.

6.Accordingly, 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.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation;

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/11/2021

/ 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 NO.II,
KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PERURANI,
TUTICORIN DISTRICT.
- 4 THE INSPECTOR OF POLICE
ETTAYAPURAM POLICE STATION,
TUTICORIN DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16564 of 2021
Date :11/11/2021

SJI

SS/JC/SAR-II/11.11.2021 : 3P/6C