



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18685 of 2021

Marisankar

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
Cr.No.167 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.SELVAKUMAR,
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.167 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 03.10.2021 for the offence punishable under Section 174 of Cr.P.C @ Section 306 of IPC, in Crime No.167 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased is the wife of the petitioner and the sister of the defacto complainant. Due to previous motive, the petitioner and the parents of the petitioner harassed and abused the defacto complainant in filthy language and also attacked her and due to which, she committed suicide. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that co-accused have been granted anticipatory bail by this Court. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner's earlier bail application in CrLOP(MD)No.17262 of 2021, was dismissed by this



Court, dated 09.11.2021. The deceased already gave a complaint against the petitioner's brother. Due to that motive, the petitioner and the parents of the petitioner harassed the deceased and instigated her to commit suicide. He would further submit that investigation is not yet completed.

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5.Considering the the nature of offence alleged against the petitioner and considering the facts that the petitioner is in judicial custody from 03.10.2021, and that the petitioner is not having any previous case for similar or serious offences, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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, Srivaikundam, Thoothukudi District, and on further conditions that;

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 until further orders.

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/-

29/11/2021

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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,
SRIVAİKUNDAM,
THOOTHUKUDI DISTRICT.

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.

4 THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.18685 of 2021

Date :29/11/2021

SA/VR/SAR.2/29.11.2021/3P/6C