



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19358 of 2021

Sivakumar ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
Crime No. 870 of 2021.

... Respondent/Complainant

For Petitioner : MR.T.A.Ebenezer,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Government Advocate (Crl.Side)

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

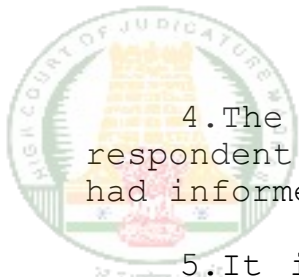
PRAYER :-For Bail in Crime No.870 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 29.10.2021 for the offence punishable under Sections 294(b) and 307 IPC @ 294(b) and 302 IPC @ 294(b) and 306 IPC, in Crime No.870 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that there was matrimonial dispute between the petitioner and the victim, due to which, the petitioner abused the victim in filthy language, therefore, the victim set fire by herself and subsequently, she died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has also sustained grievous injury in the occurrence and is taking treatment in the Jail Hospital.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that in the dying declaration, the victim had informed that she poured kerosene and set fire by herself.

5.It is evident from the records that originally the case was registered under Sections 294(b) and 307 IPC and subsequently, altered into Section 294(b) and 302 IPC. In the earlier order, this Court has pointed out the submissions made by the learned Additional Public Prosecutor that after conducting investigation and recording dying declaration the case was altered into Section 302 IPC. But it is evident that subsequent to the dismissal of the bail application of the petitioner, the case was again altered into Section 294(b) and 306 IPC.

6.Considering the facts and circumstances of the case and also the fact that the petitioner is in judicial custody from 29.09.2021, and that the petitioner, who has also suffered grievous injuries, has been taking treatment in the Jail Hospital, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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, Orathanadu.

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/-

07/12/2021

/ 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,
ORATHANADU
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, TIRUCHIRAPPALLI.
- 4 THE INSPECTOR OF POLICE
PAPPANADU POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19358 of 2021
Date : 07/12/2021

DAS
MK/VR/SAR.III/08.12.2021/3P/6C