



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Second day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice C.V.KARTHIKEYAN
CRIMINAL ORIGINAL PETITION No.13076 of 2022

M.SIVAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLIC,
MILK COLONY MADHAVARAM,
CHENNAI.(CR.NO.106 OF 2022)

[RESPONDENT]

For Petitioner : M/S P.S.KOTHANDARAMAN Advocate

For Respondent : M/S. RAJ THILAK, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

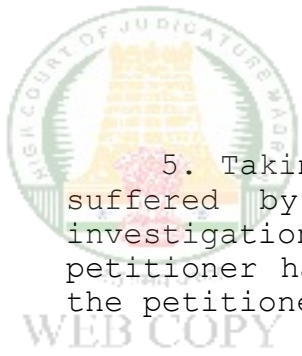
ORDER : The Court Made the following order :-

The petitioner, who was arrested on 01.04.2022 for the alleged offences punishable under Section 306 of IPC in Crime No.106 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there had been marital dispute between the petitioner and the deceased. The petitioner is said to have had a extra-marital relationship with another lady. The quarrel between the petitioner and the deceased led to the unfortunate victim committing suicide, which resulted in the registration of the First Information Report in Crime No.106 of 2022 by the respondent police originally u/s.174 Cr.P.C. and subsequently, altered to one u/s.306 IPC.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has nothing to do with the alleged offences and a false case has been registered against the petitioner. The petitioner is in judicial custody for more than 60 days. The learned counsel prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the accused has already moved bail before the Court below and the same was dismissed. The first bail application moved before this Court was also dismissed. Therefore, he vehemently opposed to grant bail to the petitioner.



5. Taking into consideration the period of incarceration already suffered by the petitioner as also the fact that substantial investigation has been completed and the further fact that the petitioner has two children, 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.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Madhavaram, and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with evidence or witness 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 shall be 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 229A IPC.

-sd/-

02/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
MADHAVARAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MILK COLONY MADHAVARAM,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI

CC to M/S P.S.KOTHANDARAMAN Advocate on payment of necessary
charges Sr.8408

CRL OP.13076/2022

Date :02/06/2022

RVR 02/06/2022