



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5445 of 2022

Balakrishnan

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Thottiyam Police Station,
Tiruchirappalli District.
Crime No.24/2022.

... Respondent/Complainant

For Petitioner : Mr.SUDHAGAR NAGARAJ.N,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.24/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

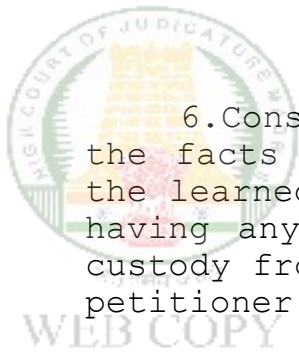
The petitioner, who was arrested and remanded to judicial custody on 13.02.2022 for the offences punishable under Section 174 Cr.P.C altered into Section 306 and 498A IPC, in Crime No.24 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has suspected the deceased/wife's fidelity and took her to hospital for check up, due to which, she committed suicide by hanging herself. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is in judicial custody from 13.02.2022, that he is not having any bad antecedents and that the investigation is completed and that therefore, he may be enlarged on bail.

4.The learned Additional Public Prosecutor appearing for the State would submit that the investigation is almost completed, except receiving of medical reports and that the petitioner is not having any bad antecedents. He would further submit that the petitioner is now confined in Central Prison, Trichy.

5.No doubt, the petitioner's earlier bail application was dismissed by this Court in Crl.OP(MD)No.3920 of 2022, dated 28.02.2022.



6.Considering the facts and circumstances of the case and also the facts that the investigation is almost completed as stated by the learned Additional Public Prosecutor, that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 13.02.2022, 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, Musiri.

(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 for a period of thirty days 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

31/03/2022

/ TRUE COPY /

31/03/2022

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
MUSIRI

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

3 THE OFFICER INCHARGE
SUB JAIL, KULITHALAI, KARUR.

4 THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.

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

**+1 cc to Mr.N.SUDHAGAR NAGARAJ, Advocate, SR.No.2809
(Date:01/04/2022)**

ORDER

IN

CRL OP(MD) No.5445 of 2022

Date :31/03/2022

SA/VR/SAR.2/31.03.2022/3P/7C