



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/10/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.18287 of 2022

Prabu @ Saminathan

... Petitioner/Petitioner/
Accused No.1

Vs.

The State rep.by
The Inspector of Police,
Pappanadu Police Station,
Thanajvur District.
(Crime No.595 of 2022.

... Respondent/Respondent/
Complainant

For Petitioner : Mr.M.Pitchai Muthu
Advocate.

For Respondent : Mr.M.Vaikam Karunanithi,
Government Advocate (Crl.Side)

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

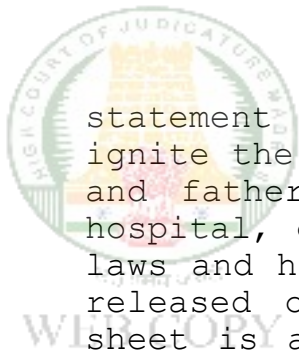
PRAYER :- For Bail in Crime No.595 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 06.08.2022 for the offences punishable under Sections 294(b), 324 and 307 of IPC, in Crime No.595 of 2022, on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that the petitioner and the defacto complainant had a love marriage and having two female children. Due to matrimonial dispute, on 03.08.2022, the petitioner and his parents poured kerosene over the defacto complainant and cause injuries to her. She was admitted in the Government Hospital, Pattukottai. A case in Crime No.595 of 2022, was registered against the petitioner.

3.On the side of the petitioner, it is stated that the petitioner has not committed any offence and he has been falsely implicated in this case. Due to family dispute, the defacto complainant on her own accord, poured kerosene to herself and she went out to the back side of the house and the petitioner has no knowledge about the incident. On 03.08.2022, the victim was admitted in the hospital. At the time of admission, she gave a



statement to the Doctor that she sustained injury, while trying to ignite the stove using kerosene. Since the petitioner, mother-in-law and father-in-law of the defacto complainant have not visit the hospital, on 05.08.2022, she gave a false complaint against the in-laws and her husband. He further submit that A2 and A3 were already released on bail and investigation is also completed and charge sheet is about to be filed. The petitioner is the husband of the defacto complainant and he is in judicial custody from 06.08.2022 i.e. for the past 68 days and the injured was discharged from the hospital and prayed the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that totally there are three accused in this case. The petitioner is arrayed as A1. There was 35% of burnt injuries on the defacto complainant and the injured was discharged from the hospital. The petitioner and other accused poured kerosene and they set fire and they did not take her to the hospital and only the neighbors took the defacto complainant to the hospital. The petitioner has given a confession statement before the police wherein he has admitted the offence and the copy of the confession statement is filed on the side of the prosecution and prayed the petition to be dismissed.

5. Considering the facts and circumstances of the case and considering the fact that the victim was already discharged from the hospital and considering the fact that the petitioner is in judicial custody for the past 68 days and also the co-accused were already released on bail, this Court is inclined to release the petitioner on bail on the following conditions:

6. The petitioner is ordered to be released on bail, on 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, Orathanadu, Thanjavur 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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 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/-

14/10/2022

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14/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

ORDER

IN

CRL OP(MD) No.18287 of 2022

Date :14/10/2022

vsd

SA/SBN/SAR. /14.10.2022/3P/6C