



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.01.2022
PRESENT

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR
CRL.OP(MD)No.19965 of 2021

WEB COPY

Muthuraja

... Petitioner/Sole Accused

-vs-

State represented by
The Inspector of Police,
Kattanur Police Station,
Virudhunagar District.
Crime No.28 of 2021

... Respondent/Complainant

For Petitioner : Mr.G.Kannan,
Advocate
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

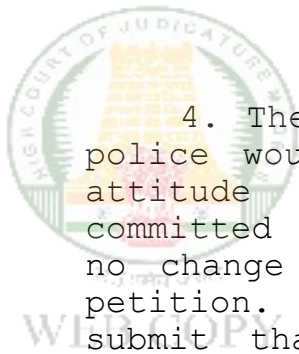
For Bail in Crime No.28 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested and remanded to judicial custody on 13.11.2021 for the offence punishable under Section 174 Cr.P.C @ U/s.306 of IPC in Crime No.28 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased Mahadevi, fell in love with each other and got married and due to the wedlock, they had a female child aged about one year, that the petitioner went to Tiruppur for job purpose but he had not returned back to the village, that the petitioner has not bothered to maintain his wife and the child and that due to the said conduct of the petitioner the victim had consumed poison and committed suicide. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the earlier bail application was dismissed by this Court in Crl.O.P(MD) No.18928 of 2021, vide order dated 01.12.2021. The learned counsel for the petitioner would further submit that the petitioner is in judicial custody from 13.11.2021, hence, he seeks bail.



4. The learned Additional Public Prosecutor for the respondent police would submit that due to the above said conduct and the attitude of the petitioner, the victim had consumed poison and committed suicide, that investigation is pending and that there is no change in circumstances, since the dismissal of earlier bail petition. The learned Additional Public Prosecutor would further submit that the Revenue Divisional Officer, after enquiry has concluded that dowry harassment was not the reason for the death of Mahadevi and directed the police to investigate the death of the said Mahadevi.

5. Considering the facts and circumstances and also the facts that the petitioner is in judicial custody from 13.11.2021, that the investigation might have been completed by this time and that the petitioner is not having any bad antecedents as stated by the learned Additional Public Prosecutor, 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 Court, Trichuli, Virudhunagar District.

[a] 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.

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

[c] the petitioner shall not tamper with evidence or witness.

[d] the petitioner shall not abscond during 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/01/2022

/ TRUE COPY /

/ /2022

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



TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHULI, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
KATTANUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.19965 of 2021

Date :05/01/2022

SS/CN/SAR-IV/05.01.2022 : 3P/6C