



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/11/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20782 of 2022

Michael Madansingh

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Cr.No.407/2022.

... Respondent/Complainant

For Petitioner : M/s.Sivabalan K,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

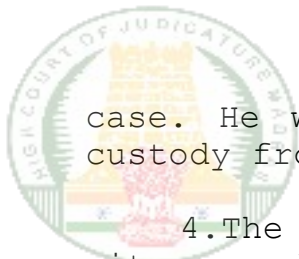
PRAYER :- For Bail in Crime No. 407/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 26.10.2022 for the offences punishable under Sections 174(3) IPC @ 306 IPC, in crime No.407 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother of the deceased. The deceased and the petitioner are husband and wife. They are blessed with a female child. From the date of marriage, the petitioner suspected the fidelity of the deceased and frequently, picked up quarrel with the deceased. In such circumstances, on 26.10.2022, when the deceased talking over the phone with some other person, the petitioner picked up the quarrel with her and snatched the cellphone and throw the same on the floor. Due to the said quarrel and harassment made by the petitioner, the deceased said to have committed suicide by hanging herself. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



case. He would further submit that the petitioner is in custody from 26.10.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that 6 witnesses have been examined in this case and the investigation is yet to be completed. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the fact that 6 witnesses have been examined in this case, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 Court, Vallliyoor, Tirunelveli District.

(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].

sd/-

30/11/2022

/ TRUE COPY /

30/11/2022

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,
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.SIVABALAN K Advocate SR.No.14020

ORDER

IN

CRL OP(MD) No.20782 of 2022

Date :30/11/2022

DSS

SA/SSS/SAR. /30.11.2022/3P/7C