



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 14/12/2022

PRESENT

WEB COPY

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**

CRL OP(MD) . No.21683 of 2022

Mahendran

... Petitioner/Sole Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Devarkulam Police Station,  
Tirunelveli District  
(Crime No. 227 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Kumar M,  
Advocate.

For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

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

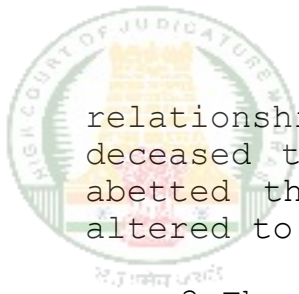
PRAYER :-

For Bail in Crime No. 227 of 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 25.11.2022 for the offence punishable under Sections 174(3) Cr.P.C @ 306 of IPC in Crime No.227 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the daughter of the defacato complainant namely Praveena was given in marriage to one Mahendran, S/o.Arunagiri Pandi during the year 2019 and they have 1 ½ years female child and his daughter is having stomach pain for the past one year and they were giving medical treatment to her. On 23.11.2022 when the son -in -law of the petitioner had gone for milk business, the deceased committed suicide by hanging along with her 1 ½ years old female child. Based on the complaint given by the defacto complainant, initially a case came to be registered under Section 174(3) Cr.P.C and later during the course of investigation it came to light that the the accused was having illicit



relationship with another women and that he had informed the deceased that he is going to marry another woman, thereby he had abetted the deceased to commit suicide, hence the case has been altered to section 306 of IPC.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would submit that the father-in-law who had given complaint against the petitioner has not made allegation against the petitioner and further stated that his daughter was suffering from stomach pain for the past one year. He would further submit that later after deliberation further statement has been given as though the petitioner was having illegal intimacy with another woman, thereby he abetted the victim to commit suicide. Without admitting he would submit that the petitioner having illegal intimacy with another lady cannot be treated as a cause for abetment to commit suicide. Further there is no demand of dowry and they were living together happily. He would further submit that the petitioner is in jail from 25.11.2022 hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the husband of the deceased. He further submitted that the petitioner was given in marriage with the deceased before 1 ½ years and the victim had 1 ½ years female child. He would further submit that the petitioner developed illegal intimacy with another women, thereby the victim committed suicide and now the investigation is still pending, hence he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

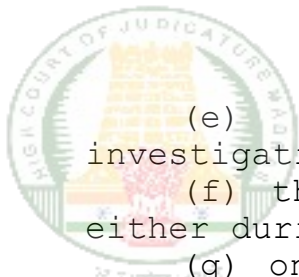
6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.III, Tirunelveli, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;



(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/12/2022

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14/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.III  
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,  
DEVARKULAM POLICE STATION,  
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KUMAR M, Advocate ( SR-14795[I] dated 14/12/2022 )

ORDER

IN

CRL OP(MD) No.21683 of 2022

Date :14/12/2022

aav

USK/VR/SAR- /14.12.2022/3P/7C