



CrI.O.P.No.10695 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.10695 of 2023

Sivakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kandili Police Station,
Thirupathur District.

(Crime No.112 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in Crime No.112 of 2023,

pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.04.2023, for the offence punishable under Sections 307 and 302 of IPC, in connection with Crime No.112 of 2023, registered on the file of the



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respondent police, seeks bail.

2.The case of the prosecution is that the petitioner used to quarrel with the defacto complainant, who is the wife of the petitioner, on suspecting the fidelity of the defacto complainant. While so, on 08.04.2023, in the absence of the defacto complainant, the petitioner himself consumed pesticide and also given to his children, due to which, one of his children died and another child is still taking treatment in the hospital. Hence the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and due to matrimonial dispute, the petitioner has attempted to commit suicide by consuming pesticide. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is in custody from 08.04.2023. Hence, he prayed for grant of bail to the petitioner.

4.Learned learned Additional Public Prosecutor appearing for the



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respondent submitted that due to the matrimonial dispute, the petitioner himself attempted to commit suicide by consuming pesticide and also given pesticide to his children and committed filicide. He also submitted that one of his children is still taking treatment. Hence, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner that the petitioner has also consumed pesticide and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 No.II, Thirupathur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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.

11.05.2023

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To

1. The Judicial Magistrate No.II, Thirupathur.
2. The Inspector of Police,
Kandili Police Station,
Thirupathur District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J

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