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CrI.OP.No.18743 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.18743 of 2023

1. Kokila
2. Mallika

..Petitioners

Vs.

The State Rep by,
The Inspector of Police,
Nangavalli Police Station,
Salem District.
Crime No.166 of 2023

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in connection with the case in Crime No.166 of 2023 pending investigation on the file of the respondent police.

For Petitioners : Mr.C. Harish

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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Crl.OP.No.18743 of 2023

ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.07.2023 and 24.07.2023 for the offences punishable under Section 306 of IPC pending in Crime No.166 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioners submitted that, in a domestic issue, deceased committed suicide. Petitioners are no way responsible for the the deceased committing suicide. 1st petitioner is in judicial custody from 23.07.2023 and the 2nd petitioner is in judicial custody from 24.07.2023. Thus, he seeks bail to the petitioners.

3. In response, learned Additional Public Prosecutor submitted that, deceased and the 1st accused are husband and wife. There arose frequent quarrel between them. On 18.07.2023, 1st accused consumed poison and she was admitted in the hospital. Thereafter, she gave a complaint against the deceased alleging that, she attempted to commit suicide for the reason that, her husband committed cruelty. Fearing that police will take action against him, deceased consumed tablet, which is used for coconut trees and subsequently died.



CrI.OP.No.18743 of 2023

4. Considering the nature of allegations made in the FIR and the duration of the custody of the petitioners and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their 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 No.II, Mettur** 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 Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.



Crl.OP.No.18743 of 2023

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

31.08.2023

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To

1. Judicial Magistrate No.II, Mettur.

2. The Inspector of Police,
Nangavalli Police Station,
Salem District.

3. Central Prison,
Salem.

4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.18743 of 2023

G.CHANDRASEKHARAN. J.

Sma

Crl.O.P.No.18743 of 2023

31.08.2023