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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2023

PRESENT

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

CRL OP(MD) . No.2545 of 2023

K.Karthikeyan

... Petitioner/Accused-1

Vs

State Rep.by
The Inspector of Police,
Somarasampettai Police Station,
Crime No.286 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Murrugesanchandrasedkaran,
Advocate.

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

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

PRAYER :-

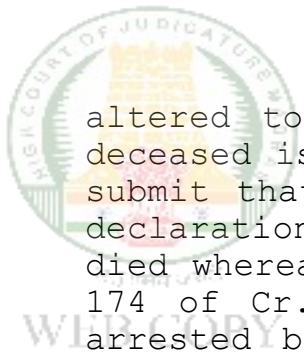
For Bail in Crime No.286 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 19.12.2022 for the offences under sections 174(3) of Cr.P.C @ 306 of IPC in Crime No.286 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 30.08.2022 at about 5.00 pm., she received information that her mother attempted to commit suicide by self immolation and that she was admitted in Trichy Government Hospital and later she died on 31.08.2022 at about 10.20am., without responding to treatment, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been unnecessarily roped in this case. He would further submit that initially based on the complaint a case was registered in Crime No.286 of 2022 on 31.08.2022 for the offence under section 174(3) of Cr.P.C and later based on the dying declaration recorded from the victim the case was



altered to section 306 of IPC. He would further submit that the deceased is the wife of his senior paternal uncle. He would further submit that though it is the case of the prosecution that a dying declaration was recorded on 31.08.2022 thereafter only victim had died whereas case has been registered for the offence under section 174 of Cr.P.C. He would further submit that the petitioner was arrested based on the dying declaration. He would further submit that there is every possibility of the victim having been tutored on account of existing dispute regarding property. He would further submit that the petitioner is in judicial custody from 19.12.2022 and major part of the investigation is over, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the son of the brother -in-law of the deceased. He along with the parents on account of family dispute regarding property dispute had abused the victim who was staying alone and also assaulted her and being humiliated she attempted to commit suicide by self immolation, later she was taken to hospital, where dying declaration was recorded by the learned Judicial Magistrate No.VI, Trichy wherein the victim had spoken about the involvement of the petitioner and his father and uncle.

5. Heard. Perused the materials available on record including the First Information Report and also the dying declaration.

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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Tiruchirapalli and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of two weeks and thereafter every Saturday at 6.30 pm., 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/02/2023

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15/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE, SOMARASAMPETTAI POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MURUGESANCHANDRASEKARAN, Advocate (SR-2313[I] dated 15/02/2023)

ORDER

IN

CRL OP(MD) No.2545 of 2023

Date :15/02/2023

RS/SSS/SAR.(15.02.2023) 3P-7C