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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/02/2023
PRESENT

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

CRL OP(MD) . No.2712 of 2023

Palanisamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
Panavadalichathiram Police Station,
Tirunelveli District
(Crime No.7 of 2023).

... Respondent/Complainant

For Petitioner : M/s.AJU TAGORE.P,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

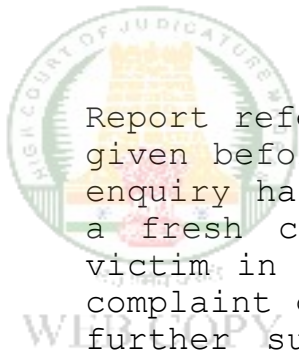
PRAYER :- For Bail in Crime No.7 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused , who was arrested and remanded to judicial custody on 10.01.2023 for the offence punishable under Section 306 of IPC in Crime No. 7 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the accused who is from the same village had sent obscene message to his wife and harassed her, due to which she committed suicide by consuming insecticide, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is known to the family of the deceased and that the husband of the victim had suspected that they were having relationship , hence he harassed the victim due to which the victim had committed suicide by consuming poison, whereas a false complaint has been given as if the petitioner has harassed her, due to which she committed suicide. He would further submit that even as per the First Information



Report reference has been made about a earlier complaint given before Panavadalichathiram Police station in respect of which enquiry has been conducted in CSR No. 3 of 2023, whereas strangely a fresh complaint has been given. He would further submit that victim in this case has not left any suicide note and only on the complaint given by the husband a case has been registered. He would further submit that even assuming that the petitioner has sent obscene message to the victim it would not amount to case of abetment to commit suicide, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the resident of the same village and he had sent obscene message to the wife of the defacto complainant in her mobile phone and thereby she had blocked his number, whereas the petitioner had spread rumours about her in the village, due to which the victim committed suicide by consuming poison. He would further submit that the investigation is pending, hence he objected 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 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, Sankarankovil 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 stay at Madurai and report before the Vilakuthoon Police station daily at 10.30 am., 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 [SCW 5560].
[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
- 4 THE SUB INSPECTOR OF POLICE,
PANAVALICHATHIRAM POLICE STATION,
TIRUNELVELI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
VILAKUTHOON POLICE STATION,
MADURAI.

ORDER

IN

CRL OP(MD) No.2712 of 2023
Date :10/02/2023

SA/SAR. /10.02.2023/3P/7C