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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4217 of 2023

1. Jayakumar

2. Kamachi

3. Tamilselvan

... Petitioners / Accused No.1,2 & 3

Vs

State rep by

The Inspector of Police,

(*)Pattukottai Taluk Police Station,

Thanjavur District.

(Crime No. 63 of 2018.)

... Respondent / Complainant

For Petitioners : M/s.M.Kalaiyarasan, Advocate.

For Respondent : Mr.R.M.Anbunithhi,
Additional Public Prosecutor

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

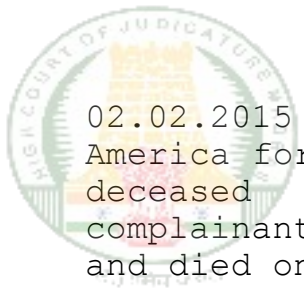
PRAYER :-

For Bail in Crime No.63 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners /A1 to A3 who were arrested and remanded to judicial custody on 14.02.2023 for the offences under sections 174(3) Cr.P.C @ 498(A) and 304(B) of IPC in Crime No.63 of 2018 on the file of the respondent police seek bail.

2. The case of the prosecution is that the deceased is the daughter of the defacto complainant. daughter of the defacto complainant was given in marriage to the first petitioner on



02.02.2015 and after the marriage the first petitioner went to America for his job. Thereafter the petitioners herein harassed the deceased demanding dowry and thereby the daughter of the defacto complainant committed suicide by consuming rat paste on 19.03.2018 and died on 23.08.2018, hence the case.

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3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the first petitioner got married the deceased in the year 2015 and thereafter both went to America and after 11 months she returned back. Since she was pregnant she stayed in her parents home. Due to mis-understanding with her husband she never joined with him and stayed in her parents home. Thereafter the first petitioner filed divorce petition in SMOP No.2 of 2018 on the file of the District Court, Vellore seeking divorce. While it is pending the deceased committed suicide by consuming poison at her parent's house. It is also seen that even before the present complaint no complaint was lodged to substantiate the charge under section 498(A) of IPC. Further the occurrence took place on 19.03.2018. Initially the case was registered under 174 (3) of Cr.P.C and subsequently altered to sections 498(A) and 304(B) of IPC only on 02.02.2023. 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 petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Pattukottai and on further conditions that:

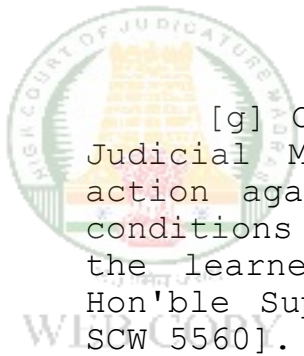
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the first petitioner shall report before the respondent police daily at 10.30 A.M. for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not commit any offences of similar nature.

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

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[g] On breach of any of the aforesaid conditions, the Judicial 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/03/2023

**(*)CORRECTED AS PER ORDER OF THIS
COURT DATED 13.03.2023 IN CRL OP
(MD)NO.4217 OF 2023**

/ TRUE COPY /

13/03/2023

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

AAV

TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 10/03/2023 ALREADY
DESPATCHED**

- 1.THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
PATTUKOTTAI POLICE STATION, THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION, THANJAVUR DISTRICT.
- 5.THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 6.THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN), TRICHY.
- 7.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KALAIYARASAN M Advocate SR.No.3862

ORDER IN
CRL OP(MD) No.4217 of 2023
Date :10/03/2023

ED/SBN/SAR- (10/03/2023) 3P 8C

RK/SBN/SAR- (13.03.2023) 3P/9C

<https://www.mhc.tn.gov.in/judis>