



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/03/2023
PRESENT

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

CRL OP(MD) . No.4292 of 2023

Thiraviyakani

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
In Crime No.38 of 2023.

... Respondent/Complainant

For Petitioner : Mr.SUSI KUMAR C,
Advocate.

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

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

PRAYER :- For Bail in Crime No.38 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 28.01.2023 for the offence under section 302 of IPC in Crime No.38 of 2023 on the file of the respondent police seeks bail.

2. The deceased is none other than the husband of the petitioner. The case of the prosecution is that the deceased got married with the petitioner and out of their wedlock they got two sons. The deceased is a drunkard and he used to quarrel with his wife. Due to the torture given by the deceased two years back the petitioner left the matrimonial home along with the two children and stayed in her parents home. Subsequently the defacto complainant and his family members compromised the dispute and as such the petitioner came to the matrimonial home. Whiles o, 27.01.2023 the deceased came to the house in a drunkard mood and quarreled with the petitioner suspecting her fidelity. He also pushed the petitioner and as such the petitioner in order to protect herself she put stone on his head and as such the deceased sustained grievous injuries and died. Initially First Information Report has been registered under section 174 Cr.P.C and later altered to section 302 of IPC.



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 defacto complainant has given the complaint only on suspicion. He would further submit that the petitioner is having two children and she had to look after the two children. He would further submit that the petitioner is in custody from 28.01.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased is a drunkard and on 27.01.2023 the deceased came to the house of the petitioner in a drunkard mood and quarreled with the petitioner suspecting her fidelity. He also pushed the petitioner and as such the petitioner in order to protect herself she put stone on his head and as such the deceased sustained grievous injuries and died, 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 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, Ambasamuthiram, 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.

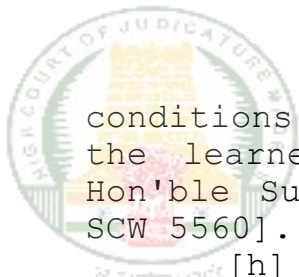
[c] the petitioner shall report before the respondent police daily at 10.30 A.M. for a period of four weeks and thereafter as and when required for interrogation.

[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 or 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/-

06/03/2023

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06/03/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
AMBASAMUTHIRAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE,
WOMEN'S JAIL, KOKARAIKULAM, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SUSI KUMAR C Advocate SR.No.3464

ORDER

IN

CRL OP(MD) No.4292 of 2023

Date :06/03/2023

SA/MMS/SAR. /06.03.2023/3P/7C