



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/04/2023

PRESENT

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

CRL OP(MD) . No.6346 of 2023

Vadivel @ Mohammed Abu Bakr Siddique

... Petitioner/Accused

Vs

State through
The Sub Inspector of Police,
Periyakulam Police Station,
Theni District.
Cr. No. 28/2023.

... Respondent/Complainant

For Petitioner : M/s.Vikram S,
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. 28 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

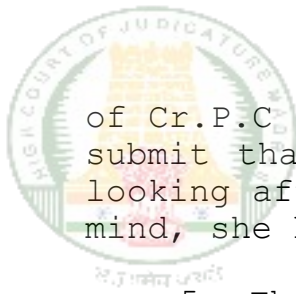
The petitioner /Accused who was arrested and remanded to judicial custody on 29.01.2023 for the offence under section 174 Cr.P.C @ 302 of IPC in Crime No.28 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the accused was suspected of having affairs with another women and when the same was questioned by the deceased, the petitioner herein strangled her and murdered her, hence the case.

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

4. According to the case of prosecution the petitioner had illegal intimacy with the other lady and when the same was questioned by the deceased he strangled and murdered her.

<https://www.tn.hc.org.in/> the case was registered was registered under section 174



of Cr.P.C @ 302 of IPC. The learned counsel for the petitioner submit that the deceased is a mentally retarded person and she is looking after the two children. At this stage due to mental state of mind, she herself committed suicide by hanging.

5. The learned Additional Public Prosecutor would submit that the post mortem reveals that the deceased was strangled and murdered.

6. Taking into consideration of the facts and submissions made by the learned counsels and also the fact the petitioner has to take care of two minor children 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, Periyakulam 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. and 5.30 P.M., 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 [(2005)AIR SCW 5560].

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

sd/-
05/04/2023

/ TRUE COPY /

05/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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



To

1. The Judicial Magistrate, Periyakulam.

2. Do through the Chief Judicial Magistrate,
Theni District.

3. The Officer In-Charge, District Jail, Theni.

4. The Sub Inspector of Police,
Periyakulam Police Station, Theni District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VIKRAM, Advocate (SR-5416[I] dated 05/04/2023)

ORDER

IN

CRL OP(MD) No.6346 of 2023

Date : 05/04/2023

NA/SSS/SAR- /05.04.2023/3P/7C