



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/04/2023

PRESENT

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

CRL OP(MD) . No.7140 of 2023

Prabakaran,

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Viruveedu Police Station,
Nilakottai Taluk,
Dindigul District.
Crime No.26 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Rajan.V.P, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.side)

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

PRAYER :-

For Bail in Crime No.26 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 01.03.2023 for the offence under section 174 of Cr.P.C @ 306 of IPC in Crime No.26 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the deceased is the wife of the accused and at the time of death she is four month pregnant, due to dowry demand there arose wordy quarrel between them frequently and that on 27.02.2023 at about 7.00 pm., the accused scolded the deceased in filthy language and demanded divorce, hence during the whole night she was under stress and on the next day when the parents of the deceased went to the funeral ceremony the deceased committed suicide by hanging, hence the case.



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

4. The petitioner got married the victim on 05.09.2022. The petitioner had extra marital affair with another women and also suspected the fidelity of his wife. When the victim questioned the same, the petitioner had abused her and also had driven her out of the matrimonial home. Due to such depression the victim had committed suicide by hanging herself in her parental home. Initially the case was registered under section 174 of Cr.P.C and subsequently altered to section 306 of IPC on the strength of the report submitted by the Revenue Divisional Officer. A perusal of the suicide note reveals the fact that petitioner was the only reason for her suicide. However she committed suicide in her parental home and there was no evidence to show that prior to her death the petitioner had instigated or abetted her to committed suicide. Taking into consideration 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, Nilakottai, Dindigul District 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 5.30P.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 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



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

sd/-
18/04/2023

/ TRUE COPY /

WEB COPY

18/04/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VIRUVEEDU POLICE STATION,
NILAKOTTAI TALUK,
DINDIGUL DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RAJAN.VP, Advocate (SR-6027[I] dated 18/04/2023)

ORDER
IN
CRL OP(MD) No.7140 of 2023
Date :18/04/2023

PKP/SSS/SAR- /18.04.2023/ **3P/7C**