



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

Date : 28/04/2023

PRESENT

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

CRL OP(MD) . No.8160 of 2023

Rajkumar

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Poovanthi Polie Station,
Sivagangai District.
(Crime No.21/2023).

... Respondent/Complainant

For Petitioner : M/s.Mohan.A,
Advocate.

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

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

PRAYER :-

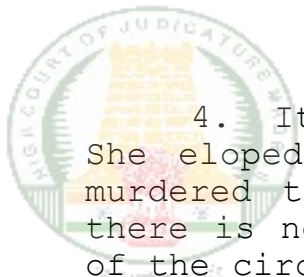
For Bail in Crime No.21/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 23.02.2023 for the offences under sections 174 of Cr.P.C @ 302 of IPC in Crime No.21 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner married the deceased on 01.02.2017 and they were blessed with two girl children. The petitioner is working in abroad and when he returned home, he came to understand that the deceased was having extra marital relationship with some one and there arose some misunderstanding between them, therefore the petitioner herein murdered the deceased hence the case.

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



4. It is seen that the petitioner is the wife of the (). She eloped with another person, Therefore the petitioner herein murdered the deceased. Even according to the case of prosecution there is no eye witness to the occurrence and only on the strength of the circumstantial evidence the petitioner has been implicated as an accused. 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 No.II, Sivagangai 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., 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/-

28/04/2023

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28/04/2023

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



TO

1. The Judicial Magistrate No.II, Sivagangai.

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

3. The Superintendent, Central Prison, Madurai.

4. The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

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

+1 CC to M/s.MOHAN.A, Advocate (SR-6906[I] dated 28/04/2023)

ORDER

IN

CRL OP(MD) No.8160 of 2023

Date : 28/04/2023

NA/BUC/SAR- /28.04.2023/3P/7C