



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8756 of 2023

P.Vidhyapathy,

... Petitioner/Sole Accused

Vs

State Rep.by
The Sub Inspector of Police,
Austinpatti Police Station,
Madurai District
(Crime No.97 of 2023).

... Respondent/Complainant

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

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

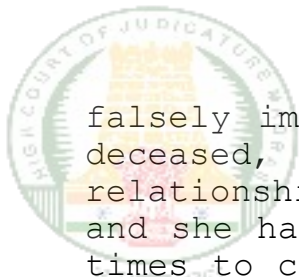
For Bail in Crime No.97 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 20.04.2023 for the offences punishable under Section 306 IPC in Crime No.97 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the husband of the deceased. The petitioner had illegal affair with another woman and continuously tortured the deceased to leave the matrimonial home. Due to the harassment made by the petitioner, the deceased committed suicide by hanging herself. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the husband of the deceased and he has been



falsely implicated in this case. In fact, he lived along with the deceased, for more than 30 years, as husband and wife with cordial relationship. But the deceased/wife was mentally stressed persons and she has taken medical treatment. Already, she has attempted two times to commit suicide and she was recovered. Hence, he prayed for bail.

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that as per the suicide note, he always ill-treated the deceased. So, the deceased committed suicide by hanging herself.

5.The daughter of the deceased appear in person before this Court stating that her mother was under depression and she used to take sleeping tablets and she was unable to control herself.

6.Considering the facts and circumstances of the case and also considering the facts that the investigation almost completed and the petitioner is in judicial custody from 20.04.2023, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties (of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Thirumangalam, Madurai 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., for a period of three months 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 [SCW 5560]. [R

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

WEB COPY

sd/-
17/05/2023

/ TRUE COPY /

17/05/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE
SUB JAIL, THIRUMANGALAM.
- 4 THE SUB INSPECTOR OF POLICE
AUSTINPATTI POLICE STATION, MADURAI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8756 of 2023
Date :17/05/2023

PKP/VR/SAR- /17.05.2023/ **3P/6C**