



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/06/2023
PRESENT

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

CRL OP(MD) . No.9946 of 2023

1. Nirmal,
2. Janitha Jaculine,

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
Cr.No.214 of 2023

... Respondent/Complainant

For Petitioners : M/s.Appaji C K M,
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.214 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 29.04.2023 for the offence punishable under Section 306 IPC in Crime No.214 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that there was a property dispute between the husband of the de-facto complainant namely Raja and his brother. On 24.04.2023, the first petitioner came in the house with drunken mode and attacked the de-facto complainant. Hence, the said Raja went to the police station, during that time, the Sub-Inspector of Police ill-treated the said Raja and advised him to solve the family property dispute amicably. Due to the said mental agony, the said Raja committed suicide on 28.04.2023 in front of the respondent police station.

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



4. It is seen that there are five accused in this case and the petitioners herein are arrayed as A1 and A2. The deceased is none other than the brother of the first accused. There was dispute in respect of property between both the families, in which there was quarrel between the first petitioner and the wife of the deceased, both got injured and admitted in the hospital. After seeing his wife the deceased came by bus and in the same bus the daughter of the first petitioner was also travelling. He quarreled with him therefore complaint was lodged by the daughter of the first petitioner before the very same respondent. In that complaint the deceased was called up on for enquiry and after enquiry the respondent advised them to settle the issue amicably between them. On the next day he came to the police station poured kerosene and set fire on his own due to which he sustained injuries and died. A perusal of the Dying Declaration reveals the fact that there is absolutely no specific overt act as against the petitioners that only because of them he committed suicide. Unfortunately the petitioners were arrested and remanded to judicial custody without any crime. They neither abetted/instigated the deceased to commit suicide at any point of time. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ialagudi 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.

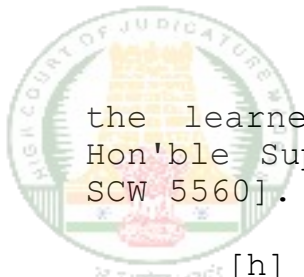
[c] the petitioners shall report before the respondent police daily at 10.30 A.M. for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

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08/06/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
LALGUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE OFFICER INCHARGE,
WOMEN PRISON, TRICHY.
- 5 THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9946 of 2023

Date :08/06/2023

SA/VR/SAR. /08.06.2023/3P/7C