



CRL OP(MD). No.17407 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1. Vairakannu,

2. Selvam,

... Petitioners/ Accused 1 & 2

Vs

The State rep.by  
The Inspector of Police,  
Pandanallur Police Station,  
Thanjavur District.  
(Crime No.490/2023).

... Respondent/Complainant

For Petitioner : M/s.BOOMEERAJAN.P.R,  
Advocate.

For Respondent : Mr.S.RAVI,  
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime no.490/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 2, who were arrested and remanded to judicial custody on 15.08.2023, for the offences punishable under Sections 174 of Cr.P.C. altered to Section 306 of IPC, in Crime No.490 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioners are induced the victim to



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commit suicide by hanging. Hence, the complaint.

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3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against him and they are in custody from 15.08.2023 and they have two tender age children, hence, this bail application may be considered in their favour.

4. The learned Additional Public Prosecutor would submit that the first accused and the deceased are husband and wife. The deceased working in Panchayat Board Union Office. That was criticized by the father-in-law and brother-in-law of the deceased. The first petitioner also in drunken mood gave frequent torture to the deceased. Therefore, she committed suicide. They have two children. Investigation in this case is pending. Hence, he opposed the grant of bail.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that material part of investigation is over, considering the no specific overt act attributed against the petitioners and also considering the period of incarceration, I am 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 District Munsif cum



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Judicial<sup>s</sup> Magistrate, Thiruvidadaimarudhur, Thanajvur District and on further  
conditions that:

[b] the petitioners shall report before the respondent police daily at 10.30 A.M.  
until further orders.

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

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

[e] the petitioners shall not tamper with evidence or witness either during  
investigation or trial.

[f] 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].

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

sd/-  
29/09/2023

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29/09/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



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TO

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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,  
SUB JAIL, THIRUVIDAIMARUTHUR.

4 THE INSPECTOR OF POLICE,  
PANDANALLUR POLICE STATION, THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN  
CRL OP(MD) No.17407 of 2023  
Date :29/09/2023

SA/SAR. /29.09.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.