



CRL OP(MD)No.18170 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18170 of 2023

Kalairasi

... Petitioner/ Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Natchiyarcoil Police Station,
Thanjavur District.
(In Crime No.674 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.P.Samuel Gunasingh, Advocate
for M/S.N.Balasubramanian, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.674 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner, who was arrested and remanded to judicial custody on on 11.09.2023 for the alleged offence punishable under Section 174 Cr.P.C., altered into Section 306 IPC in Crime No.674 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons and the defacto complainant are relatives. The deceased in this case is son of the defacto complainant and he used to spread rumors about the petitioner herein that she had immoral relationship with some other persons. When the same was questioned by family of the petitioner, the deceased committed suicide by hanging himself. Hence, the complaint.

3.The learned counsel appearing for the petitioner would contend that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. The petitioner is in custody from 11.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner gave confession statement, in which she has stated that the deceased defamed her by stating that she had immoral relationship with some other persons and hence, the petitioner and others questioned the deceased. Therefore, he committed suicide.

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

<https://www.mhc.tn.gov.in/judis>



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6. Considering the facts and circumstances and also taking into consideration the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Kumbakonam and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on summons.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/10/2023

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11/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
NATCHIARKOIL POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, THIRUVARUR.



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

+1 CC to M/s.A.ASHOK, Advocate (SR-14984[I] dated 11/10/2023)

ORDER
IN

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Date :11/10/2023

PKP/11.10.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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