



CRL OP(MD)No.18793 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18793 of 2023

Kumaran

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Kollidam Police Station,
Trichy District.
In Crime No.188 of 2023.

... Respondent/Complainant

For Petitioner : Mr.K.Yasar Arafath, 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.188 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 19.09.2023 for the alleged offence punishable under Sections 174 Cr.P.C., altered into Section 306 IPc in Crime No.188 of 2023, on the file of the respondent police, seeks



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2.The case of the prosecution is that the deceased and the petitioner were lived together as husband and wife. On 19.09.2023, the deceased died by hanging herself. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 19.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner is a married man and the deceased also married another person. However, they lived together in a rented house as husband and wife for the past five years. On 19.09.2023, the deceased committed suicide by hanging herself in the above said house. He would further submit that investigation in this case is in preliminary stage and hence, he objected to grant bail to the petitioner.

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

6.Considering the nature of allegations made against the petitioner and also considering 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 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned District Munsif cum Judicial Magistrate, Srirangam, Trichy and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons

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

(iii) the petitioner shall not abscond during trial.

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

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

sd/-
19/10/2023

/ TRUE COPY /

19/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

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



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TO

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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, SRIRANGAM, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, KOLLIDAM POLICE STATION,
TRICHY DISTRICT.

4 THE SUPERINTEDENT, CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.K.YASAR ARAFATH, Advocate (SR-15453[I] dated 19/10/2023)

ORDER

IN

CRL OP(MD) No.18793 of 2023

Date :19/10/2023

RS//SAR-(19.10.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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