



CRL OP(MD)No.19856 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.19856 of 2023

Sivakumar

... Petitioner/ Accused Rank Not Known

Vs

**State Rep.by
The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.
Crime No.335 of 2023**

... Respondent/ Complainant

For Petitioner : Mr.S.Sarvagan Prabhu,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.335 of 2023 on the file of the Respondent Police.



CRL OP(MD)No.19856 of 2023

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 11.10.2023 for the alleged offence punishable under Section 174 (3) Cr.P.C., altered into Section 306 IPC in Crime No.335 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's daughter is the wife of the petitioner herein and she came to know that the petitioner herein is having illegal relationship with some other lady. Hence, she committed suicide by falling into the well. 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 11.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that after knowing that the petitioner is having illegal relationship with another lady, his wife, who is daughter of the defacto complainant, committed suicide by falling into the well. He would further submit that the investigation in this case is still pending.

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



CRL OP(MD)No.19856 of 2023

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, this Court is inclined to grant bail to the petitioner.

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 Judicial Magistrate, Vendasandur, Dindigul District 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].



CRL OP(MD)No.19856 of 2023

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

sd/-
16/11/2023

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16/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION
VADAMADURAI.
DINDIGUL DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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



CRL OP(MD)No.19856 of 2023

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+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-16381[I] dated 16/11/2023)

ORDER
IN

CRL OP(MD) No.19856 of 2023

Date :16/11/2023

PKP/16.11.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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