



CRL OP(MD). No.319 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Sivakumar,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(Crime No.154 of 2023).

... Respondent/Complainant

For Petitioner : Mr.N.Adithya Vijayalayan, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.154 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 23.11.2023 for the offences punishable under Section 176 of Cr.P.C. @ 306

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



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of IPC, in Crime No.154 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the deceased had loved each other and thereafter, he refused to marry her and he developed love affair with other two girls. In view of frustration, the deceased committed suicide. Hence, the case.

3.The learned counsel for the petitioner would submit that there was a love affair between the petitioner and the deceased and he has not committed any offence as alleged by the prosecution. However, no such proof was filed before this Court and no physical relationship between them and the petitioner is in judicial custody since 23.11.2023. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the State would submit that though there is no physical relationship between the petitioner and the deceased, there was a love affair between them and thereafter, the petitioner refused to marry her and he developed affair with two other girls. Due to which, the deceased committed suicide. Hence, he strongly opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.It is seen from the records that the petitioner developed love affair with the deceased and thereafter, refused to marry her and he developed affair with two other



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girls, due to which, the deceased committed suicide. However, no such proof was filed before this Court and no physical relationship between the petitioner and the deceased.

7.Considering the facts and circumstances of the case and also considering the facts that there is no physical relationship between the petitioner and the deceased and the petitioner is in judicial custody since 23.11.2023, this court is inclined to grant bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail on his executing 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, Karaikudi, and on further conditions that:

(a) 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;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;



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(e)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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/01/2024

/ TRUE COPY /

11/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



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- 3 THE OFFICER INCHARGE
SUB JAIL, THIRUPPATHUR.
- 4 THE INSPECTOR OF POLICE
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-581[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.319 of 2024
Date :11/01/2024

PKP/SAR- /11.01.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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