



CRL OP(MD). No.934 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.934 of 2024

Jeyapandi

... Petitioner/ Accused No.2

Vs

The State represented by its
The Inspector of Police,
Checkanurani Police Station,
Madurai District.
Crime No.442 of 2023

... Respondent/Complainant

For Petitioner : Mr.P.Mani Anandh,Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor.

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

PRAYER :-

For bail in Crime No.442 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / A2, who was arrested and remanded to judicial custody on

04.12.2023 for the offence under Sections 294(b) 323, 506(i), 498(A) & 306 of IPC, in
<https://www.mhc.tn.gov.in/judis>



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Crime No.442 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the father of the deceased. The son of the petitioner/A1 and the deceased are the husband and wife. After marriage, A1 had illegal intimacy with another woman. That was objected by the deceased. However, A1 did not disconnect the relationship with the said woman and the same was encouraged by the petitioner herein. Thereby, the deceased committed suicide by consuming poison. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the marriage was performed between A1 and deceased 11 years prior to the occurrence. There is no specific overt act against the petitioner. It is a dispute between the husband and wife. Since, A1 had illegal intimacy with another woman, the deceased committed suicide by consuming poison. Further, the petitioner is in judicial custody from 04.12.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent

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submitted that there is specific allegation against the petitioner. He encouraged A1 to continue illegal intimacy with the woman. Thereby, the deceased consumed poison. Hence, he opposed to grant bail to the petitioner.

5. Considering the period of incarceration and also considering the fact that there is no specific overt act against the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. 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 No.II, Usilampatti, 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., for a period of 2 weeks and thereafter, until further orders.



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(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;

(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/-
22/01/2024

/ TRUE COPY /

22/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI.



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CHECKANURANI POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.VIJAYAKUMAR, Advocate (SR-868[I] dated 22/01/2024)

ORDER
IN
CRL OP(MD) No.934 of 2024
Date :22/01/2024

PKP/22.01.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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