



CRL OP(MD). No.1576 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1576 of 2024

Raja

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Vikkiramangalam Police Station,
Madurai District.
In Crime No.187 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.M.Pitchai Muthu, 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.187 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 20.12.2023 for the offences punishable under Sections 174(3) of Cr.P.C. @ Section



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306 of IPC in Crime No.187 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 marriage between the petitioner and the deceased was solemnized four years back and two children were born to them. The other accused persons are relative of this petitioner. Right from the date of marriage itself, the accused Nos.2 to 4 have suspected the character of the deceased and unnecessarily interfered into the matrimonial life of the petitioner and the deceased. The petitioner has not condemned the said unnecessary interference of the accused Nos.2 to 4. On 16.11.2023, the accused Nos.2 to 4 have quarreled with the deceased and on the next day, the deceased committed suicide by hanging. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged by the prosecution. Even on bare perusal, all the allegations are made against the accused Nos.2 to 4 and there is no overt act attributed against the petitioner. He would further submit that the petitioner is in judicial custody for more than 43 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that it is an issue between the husband and wife and due to the

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harassment made by the accused persons, the deceased committed suicide by hanging. Hence, he vehemently opposed to grant bail to the petitioner.

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

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and 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, Madurai District, 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;



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(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/-
02/02/2024

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02/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI, MADURAI DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

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- 3 THE INSPECTOR OF POLICE
VIKKIRAMANGALAM POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1576 of 2024
Date :02/02/2024

PKP/02.02.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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