



CRL OP(MD). No.534 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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1. Tamilselvi,
2. Mani,

... Petitioners/ Accused Nos.2 & 3

Vs

The State rep. by,
The Inspector of Police,
Thevaram Police Station,
Theni District.
(Crime No.41 of 2023).

... Respondent/ Complainant

For Petitioners : Mr.S.Balaji
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.41 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

The petitioners/Accused Nos.2 and 3, who were arrested and remanded to judicial custody on 21.11.2023 for the alleged offence punishable under Section 174(3) of Cr.P.C. and subsequently altered into Section 306 of I.P.C. in Crime No.41 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the marriage was solemnized between the first accused and the defacto complainant's daughter in the year 2022. They have no issue. Due to that, from the beginning of their marriage, a quarrel arose between the petitioner's family and the defacto complainant's family and hence, the defacto complainant's daughter committed suicide by consuming poison. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody for more than thirty seven days. He would further submit that the petitioners are only in-laws and there is no overt act against the petitioners with



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regard to the suicide committed by the deceased. Hence, he prays for bail.

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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners had instigated the deceased to commit suicide and repeatedly, they harassed the deceased for not giving birth to their son.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are in-laws and also considering the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodinayakanur, Theni 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;



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(b) the first petitioner is directed to appear before the respondent police as and when required for interrogation and the second petitioner is directed to appear before the respondent Police for a period of two days at 10.30 A.M. and thereafter, as and when required for interrogation;

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

(d) the petitioners 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



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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

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

TSG

TO

1. The Judicial Magistrate, Bodinayakanur,
Theni District.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Superintendent, Central Prison
(for Women), Madurai.
4. The Officer Incharge, Uthamapalayam Sub Jail,
Theni District.



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5. The Inspector of Police,
Thevaram Police Station,
Theni District.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.BALAJI, Advocate (SR-548[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.534 of 2024
Date :11/01/2024

SSA/11.01.2024/6P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023