

Crl.O.P.No.5714 of 2016K.KALYANASUNDARAM, J.

The petitioner, who is arrayed as A-1, was arrested and remanded to judicial custody on 23.01.2016 for the alleged offences punishable under Sections 302 of IPC and subsequently altered into Sections 302 and 120-B of IPC in Crime No.49 of 2016 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the deceased and A-2 have fallen in love with each other and the marriage was performed about 7 years ago and out of the wedlock, they are having one child, aged about 6 years. While so, due to misunderstanding, they got separated for the past 3 years and A-2 developed intimacy with the petitioner / A-1, when this was questioned by the deceased, both the accused conspired together to commit the murder. In pursuant to the conspiracy, petitioner attacked the deceased with iron rod and caused his death.

3.Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. It is further submitted that the petitioner has been in judicial custody for more than 55 days and hence, his petition can be considered.

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4.Per contra, learned Government Advocate [Criminal Side] appearing for the respondent opposed to grant bail to the petitioner contending that he attacked the deceased with iron rod and caused his death. It is further submitted that the petitioner has no bad antecedents.

5.Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum, to the satisfaction of the learned Judicial Magistrate, Kangayam, Thiruppur District and on further condition that the petitioner shall report before the respondent police daily at 10.00a.m. until further orders.

15.03.2016

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