

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.30607 of 2018

SOUNDARPANDIYAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ROYALA NAGAR POLICE STATION,
THIRUVALLUR DISTRICT
CR.NO.324 OF 2018.

For Petitioner : M/S.P.G.PERUMAL PANDIAN Advocate

For Respondent : MR.ARUL MOZHIMARAN Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

This Criminal Original Petition has been filed by the accused seeking bail for the alleged offence under Section 4 of Women Harassment Act read with 307 of Indian Penal Code.

2. The learned counsel appearing for the petitioner has submitted that due to wordy quarrel , the petitioner's wife has given a false complaint and based on the same, the respondent has registered a case and arrested the petitioner on 16.11.2018 and from that date onwards, he is in custody. He further submitted that the victim also already discharged from the hospital and he prays to grant bail to the petitioner.

3. *Per contra*, the learned Government Advocate (Criminal Side) has submitted that due to wordy quarrel, the petitioner herein poured kerosene on his wife and set fire and immediately, the victim was admitted in the hospital and after taking treatment, she was discharged from the hospital and he further submitted that the investigation is still pending against the petitioner and hence, he strongly opposed this petition.

4. Taking into consideration of the fact that the petitioner is the husband and the victim is the wife and the petitioner is in custody from 16.11.2018 and also the fact that already the victim was discharged from the hospital, this Court is inclined to grant bail by imposing conditions.

5. Accordingly, the petitioner is ordered to be released on bail on condition that the petitioner shall execute 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-I, Poonamallee.;

(i) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(vi) 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]**.

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

-sd/-

27/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL,CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ROYALA NAGAR POLICE STATION,
THIRUVALLUR DISTRICT

+1 CC to M/S.P.G.PERUMAL PANDIAN Advocate on payment of
necessary charges SR.NO. 24974

CRL OP.30607/2018

Date :27/12/2018

RD 27/12/2018