

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.3138 of 2019

ARUL

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
E-1, PONNERI POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.559/2018.

For Petitioner : M/S.P.K.ILAVARASAN Advocate

For Respondent : MR. M.MOHAMED RIYAZ, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 03.12.2018 by the respondent police for the alleged offence punishable under Section 302 of IPC in Crime No. 559 of 2018, seeks bail.

2. The case of the prosecution is that the deceased is the first wife of the petitioner and that the deceased was having illicit intimacy with a bus driver. It is the further case of the prosecution that the petitioner took the deceased to their house and brutally attacked her and dumped her body in a gunny bag and thrown out the gunny bag in Madimaikandigai Erikarai.

3. The learned counsel for the petitioner would fairly submit that the petitioner has been arrested on 03.12.2018 and remanded to judicial custody on 07.12.2018. Hence, he prays for bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was arrested and remanded judicial custody on 07.12.2018. He further would submit that the deceased is the wife of the petitioner and having two children. The deceased was having illicit intimacy with a bus driver, for which, the petitioner attacked the deceased with wooden log and she died. Hence, he vehemently opposed for grant bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner i.e., from 07.12.2018, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail and 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 Court No.I, Ponneri and on further condition 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 shall report before the respondent police daily at 10.30 a.m and 5.30 p.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

22/02/2019

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

TRUE COPY

WEB COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
COURT, NO.I, PONNERI.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-1, PONNERI POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI-600 066.

+1 CC to M/S.P.K.ILAVARASAN Advocate on payment of necessary
charges SR.NO.3841

CRL OP.3138/2019

Date :22/02/2019

RD 22/02/2019



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