



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10312 of 2020

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Selvam @ Selvan

... Petitioner

Vs.

State represented by Inspector of Police
Vellore Taluk Police Station
Vellore District
(Crime No.630 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.630 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.N.Saravanan

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.06.2020 for the offence punishable under Section 302 IPC, in Crime No.630 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner is presently working as a security supervisor at Kalpakkam Nuclear Power Plant. The petitioner suspected the fidelity of his wife and picked up quarrel, during which he murdered his wife.

3.The learned counsel appearing for the petitioner would submit that the petitioner after his retirement from the Army, is working as a security supervisor in Kalpakkam Nuclear Power Plant. They have one girl aged about 21 years and one boy aged about 15 years. The petitioner's wife developed illegal relationship with one Venkatesan and it was brought to his notice by his grown up children. When the same was questioned by the petitioner, quarrel arose and the petitioner in a fit of rage, is alleged to have assaulted his wife with a kitchen knife resulting in her death. He would further submit that there is no motive or intention to commit murder, it occurred due to grave and sudden provocation.



4.The learned Government Advocate (Criminal Side) would submit that the petitioner has murdered his wife suspecting her fidelity. Investigation is pending.

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5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and period of incarceration from 08.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.1, Vellore, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



-sd/-
09/07/2020

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TO

4 THE INSPECTOR OF POLICE,
VELLORE TALUK POLICE STATION,
VELLORE DISTRICT

CS 07/08/2020