

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

CORAM :

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

Crl.O.P.No.10581 of 2020

Suresh

... Petitioner

Vs.

State by the Inspector of Police
Veraiyur Police Station
Tiruvannamalai District
(Crime No.55 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.55 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Ms.M.Rebecca

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.05.2020 for the offences punishable under Section 174 (3) Cr.P.C.@ 302 and 201 IPC, in Crime No.55 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner had committed the murder of his wife suspecting her fidelity. Originally, a case was registered u/s. 174 (3) Cr.P.C and during the course of investigation, it was altered to 302 and 201 IPC. The petitioner was arrested on 11.05.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the deceased had illicit affair and she had committed suicide, but a false compliant has been foisted against the petitioner for committing murder of his wife. He would further submit that RDO also conducted enquiry and stated there is no dowry demand.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner suspected fidelity of his wife and assaulted her and thereafter pushed the body inside the well. Investigation is almost completed and awaiting opinion from the Assistant Director of

5. Taking into consideration of the facts and circumstances, submissions made by the learned counsels and also considering the period of incarceration from 11.05.2020, 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 condition on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) Thereafter, 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, Tiruvannamalai, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

17/07/2020

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.1
TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VERAIYUR POLICE STATION,
TIRUVNNAMALAI DISTRICT.

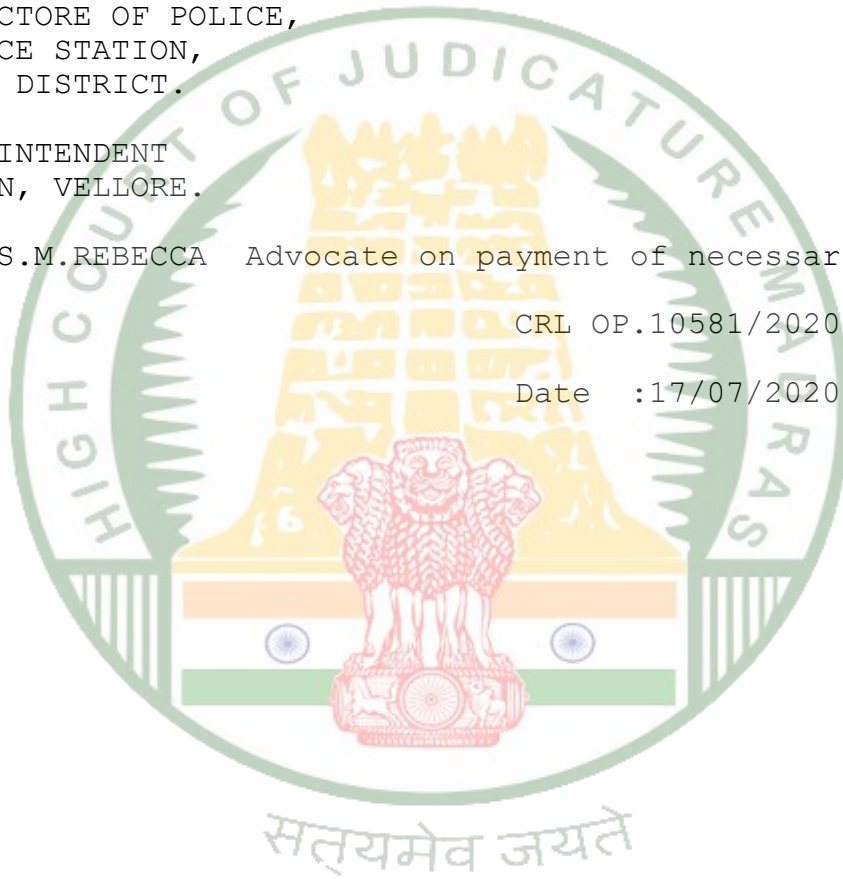
5 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE.

CC to M/S.M.REBECCA Advocate on payment of necessary charges

CRL OP.10581/2020

Date :17/07/2020

TA-25/08/2020



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