

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2020

CORAM :

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

CRL.O.P.No.14937 of 2020

S.Prabhu

... Petitioner

vs.

State rep. by
Inspector of Police,
Maraimalai nagar Police Station,
Coimbatore
(Crime No.3722 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending investigation in Crime No.3722 of 2020 on the file of the respondent police.

For Petitioner : Mr.L.Ramu

For Respondent : Ms.S.Thankira
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 17.07.2020 for the offences punishable under Sections 294 (b), 323, 342, 307 IPC @ 302 IPC, in Crime No.3722 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner had committed murder of his wife by stabbing her with the knife.

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 even as per the prosecution, the occurrence happened during the domestic quarrel between the petitioner and his wife. He would further submit that the alleged occurrence is stated to have been happened on 15.07.2020 and a case was originally registered for the offences under Section 294(b), 323, 342, 307 IPC and since the victim succumbed to death after seven days later it was altered to Section 302 IPC. He would further submit that the petitioner was arrested on 17.07.2020 and is in custody for more than 60 days.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner committed the murder of his wife by stabbing her with a kitchen knife and assaulted her with utensils. She would further submit that the chemical report is awaited and the matter is pending investigation.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner from 17.07.2020, 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 to execute 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;

(b) Thereafter, the petitioner shall execute 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 No.II, Chengalpattu, within a period of two weeks from the date of 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 on his release from prison, shall report before the respondent police everyday 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 Trial Judge 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 Trial Judge 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/-

23/09/2020

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.II, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
MARAIMALAI NAGAR POLICE STATION,
CHENGALPATTU

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S L.RAMU Advocate on payment of necessary charges
Sr.6420

CRL OP.14937/2020

सत्यमेव जयते Date :23/09/2020

RVR 24/09/2020

WEB COPY