



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10443 of 2020

Saravanakumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Crime No.681 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Rajamohan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.681 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 27.06.2020 for the offences punishable under Sections 302 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner got married the deceased in the year 2018 and due to their wedlock they are blessed with a female child. Thereafter the petitioner suspected the fidelity of his wife and as such there was misunderstanding between them and the deceased was driven out to her parental home. On 26.06.2020 the petitioner herein went to the house of the defacto complainant and attacked the deceased with deadly weapons on her neck, as such she sustained injuries and died.

3.The learned counsel for the petitioner would submit that due to mis-understanding between them there was a quarrel between them and as such the deceased sustained injuries and died and the



petitioner has no intention to murder the deceased and he was arrested and remanded to judicial custody 27.06.2020 and he is still in custody.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner went to the house of the deceased attacked the deceased with knife and infact the deceased sustained injuries in her neck and died. It is a day light murder and the sister -in-law of the deceased is the eye witness to the said occurrence. He would also submit that investigation in this case is almost completed and final report has been filed before the learned Judicial Magistrate No.II, Sivakasi and the same has been taken cognizance in PRC No. 12 of 2020 and pending committal.

5. It is seen that the petitioner is a sole accused and the petitioner got married the deceased in the year 2018 and they are blessed with a female child. While being so there was a quarrel between the petitioner and the deceased in respect of her fidelity by the petitioner and as such she was driven out from the matrimonial home. On 26.06.2020 when the petitioner visited the deceased house, there was a quarrel and she was attacked by the deceased with deadly weapons on her neck and she sustained injuries and died. It is also stated that investigation in this case is almost completed and final report has been filed before the learned Judicial Magistrate No.II, Sivakasi and the same has been taken cognizance in PRC No. 12 of 2020 and pending committal

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the learned Judicial Magistrate No.II, Sivakasi daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].

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

sd/-
12/10/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE JUDICIAL MAGISTRATE NO II, SIVAKASI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.RAJA MOHAN, Advocate (SR-6902[I] dated 12/10/2020)

ORDER
IN
CRL OP(MD) No.10443 of 2020
Date :12/10/2020

AAV
TK/PN/SAR.2/12.10.2020/3P/7C