



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

Date : 10/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12695 of 2020

Muthukannan @ Kannan ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Chinnamanur Police Station,
Theni District
Crime No. 483 of 2019. ... Respondent/Complainant

For Petitioner : Mr.A.K.Manickam,
Advocate.

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

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

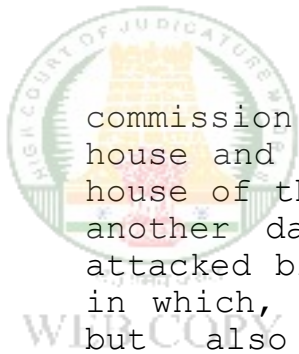
PRAYER :- For bail in Crime No. 483 of 2019 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole accused herein was arrested on 14.09.2019, for the offence punishable under Sections 294(b), 302, 324 and 449 of IPC, in Crime No.483 of 2019 on the file of the respondent Police, seeks bail.

2.The learned counsel appearing on behalf of the petitioner states that the petitioner is in prison for more than one year and charge sheet has been filed and therefore, the petitioner is to be enlarged on bail. The learned counsel for the petitioner reiterated that bail being a rule is to be granted in this case, in view of the fact that the accused is languishing in prison for longer period.

3.The learned Government Advocate (Crl. Side) appearing on behalf of the respondent Police objected the petition on the ground that the petitioner is none other than the husband of the deceased
<https://hservices.echips.gov.in/hservices> living in the matrimonial home at the time of



commission of offence. The deceased was residing in her parental house and on one occasion, the petitioner had gone to the parent's house of the deceased and attacked the father-in-law, thereafter, in another day he went to the parent's house of the deceased and attacked brutally the deceased with screwdriver and hammer, the day in which, the petitioner attacked his own wife is not only brutal, but also absolutely inhuman. However, these were alleged allegations, which all are to be established to the prosecution at this stage. All facts need not be considered in entirety.

4.This Court is of the considered opinion that though charge sheet has been filed in this case, serious objections raised by the learned Government Advocate (Crl. Side) are to be considered. In view of the fact that the offence was committed by the husband against his wife, in a most brutal manner and the said allegations are to be weighed in the larger interest of the society. It is brought to the notice of this Court that the petitioner is leading the vagabond life and not working anywhere. However, the learned counsel for the petitioner states that he is a driver, but he is unable to explain where he was working as a driver.

5.The learned Government Advocate (Crl. Side), informed that for the past three years he was jobless. This being the factum, this Court is of the considered opinion that in the event of granting bail, there is a possibility of threatening all the witnesses, who all are the relatives of the petitioners. Fair trial must be ensured in such case. In view of the fact that the deceased is a lady, who was attacked brutally by the petitioner using screwdriver and hammer and in these circumstances, this petition is devoid of merits and stands dismissed.

sd/-
10/11/2020

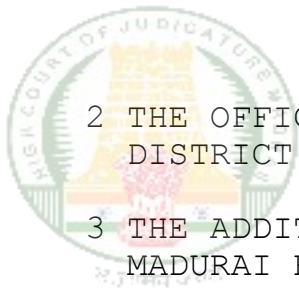
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT.



2 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.

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

WEB COPY

ORDER

IN

CRL OP(MD) No.12695 of 2020

Date :10/11/2020

vsg/dss

JM/PN/SAR II/19.11.2020/3P/4C