



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

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13771 of 2020

Satheesh Perumal

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Vadaseri Police Station, Vadaseri,
Nagercoil, Kanniyakumari District.
(Crime No.561 of 2020).

... Respondent/Complainant

For Petitioner : M/s.N.Pragalathan,
Advocate.

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

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

PRAYER :- For a Bail in Crime No.561 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 05.10.2020 for the offences punishable under Sections 341,294(b), 324,307 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein is the husband of the victim and they got married 7 ½ years back and out of their wedlock they were blessed with two female children and thereafter due to some family dispute the victim is living separately and working as a student counselor in a private institution. The petitioner herein used to quarrel with wife and on the date of occurrence the petitioner herein entered into institution and stabbed his wife for sending divorce notice . Hence the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and due to some family dispute a false case has been foisted against the petitioner. He would also submit that the injured was already discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that due to some family the petitioner entered into the institution of the defacto complainant and attacked her with wife, due to which she sustained injuries and later discharged from the hospital.

5. It is seen that the petitioner got married the defacto complainant and due to their wedlock they they are blessed with two female children and due to some family dispute they got separated and the wife has also sent divorce notice to the petitioner. Therefore the petitioner entered into the institution where the defacto complainant is working and stabbed the deceased with knife, due to which she sustained injuries in her chest and stomach. It is now stated that the injured was already discharged from the hospital.

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 two blood sureties each for a like sum to the satisfaction of the Additional Mahila Court(Magisterial Level) Nagercoil, Kanyakumari District

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 respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

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 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].



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

sd/-
02/12/2020

WEB COPY

/ 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 JUDGE,
ADDITIONAL MAHILA COURT (MAGISTRATE LEVEL),
NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
VADASERI POLICE STATION, VADASERI,
NAGERCOIL, KANNIYAKUMARI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13771 of 2020
Date :02/12/2020

aav
JM/PN/SAR III/02.12.2020/3P/6C