

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4510 of 2021

Noorudhin

... Petitioner

Vs.

State by

Inspector of Police,

T12- Poonamallee Police Station,

Thiruvallur District.

(Crime No. 1034 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in P.R.C. No.4 of 2021 on the file of the learned Judicial Magistrate No.II, Poonamallee, Thiruvallur District.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 28.11.2020 for the offences punishable under Section 302 of IPC in Crime No.1034 of 2020, seeks bail.

2. The petitioner is the sole accused and the deceased is the wife of the petitioner. The case of the prosecution is that there was frequent quarrel between the petitioner and the deceased. On the date of occurrence, in a wordy quarrel, the petitioner said to have strangled the deceased by using an electrical wire and caused her death. Based on the complaint given by the son, the petitioner was arrested on 28.11.2020. Now, seeking bail, the present application has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the offence and he has been falsely implicated in this case. The petitioner is in jail for more than 4 months. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has strangled her wife and thereby, committed murder. Now, investigation is completed and final report has been filed and the matter has also been committed to the learned Principal District Judge, Thiruvallur and the same is yet to be numbered. Hence, she opposed to grant bail to the petitioner.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. Considering the said facts and circumstances of the case and the fact that investigation is completed, final report filed and the matter has also been committed to the Sessions Court and also considering the period of incarceration suffered by the petitioner, 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 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-II, Poonamallee, and on further conditions that:

(b) 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;

(c) the petitioner shall report before the trial Court daily at 10.30 a.m., on all hearing dates without fail;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 55601;

(h) 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/-
10/03/2021

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,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE, सत्यमेव जयते
T12-POONAMALLEE POLICE STATION,
THIRUVALLUR DISTRICT

+1CC to M/S.S.SASIKUMAR Advocate on payment of necessary
charges SR NO.3145

CRL OP.4510/2021

Date :10/03/2021

MK:11/03/2021