

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6756 of 2021

Samynathan

... Petitioner

Vs.

State rep by

The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
(Crime No.62 of 2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in PRC.No.13 of 2020 pending trial on the file of the learned Judicial Magistrate Court, Mettupalayam.

For Petitioner : Mr.C.Ram Kumar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 02.03.2020 and remanded to judicial custody for the offences under Sections 294(b), 498-A and 302 of IPC r/w Section 4 of Prohibition of Harrassment of Women Act in Cr.No.62 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the husband of the deceased and on the date of occurrence he came to the house in an inebriated mood and picked up quarrel with the deceased and assaulted her with Kulavi stone. Subsequently the deceased was admitted in the hospital where she succumbed to the injuries, which resulted in the law enforcing agency registering the case against the petitioner.

3. The learned counsel for the petitioner submits that there was some family dispute between the petitioner and his wife. He further submits that charge sheet was filed and the same was taken on file in PRC No.13 of 2020 and the petitioner is in judicial custody for more than 350 days. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner is alleged to have attacked the deceased by using Kulavi stone, due to which the deceased died. Learned Addl. Public Prosecutor also submits that investigation has been completed.

5. Taking into consideration the fact that there was some family dispute between the deceased and the petitioner and further the fact that investigation has been completed and the matter has been taken on the file of the 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:

6. 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 sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Court Mettupalayam and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the Court daily at 10.30 a.m. until further orders;

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

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

(e) 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
09/04/2021

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 COURT,
METTUPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SIRUMUGAI POLICE STATION,
COIMBATORE DISTRICT.

+1CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges SR NO.4688

CRL OP.6756/2021

Date :09/04/2021

MK:09/04/2021

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