

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8632 of 2021

V.Jayaraman

... Petitioner

Vs.

State rep by :-

The Inspector of Police,
R-3, Ashok Nagar Police Station,
Chennai.

(Crime No.35 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.35 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Thilageswaran

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

For Intervenor : Mr.Nareshkumar

ORDER

(The case has been heard through video conference)

Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent Police and the learned counsel for the intervenor.

2. The petitioner is in custody since 26.04.2021 for the offence under Sections 294(b), 498(A), 306 & 506 (i) of IPC. He seeks bail.

3.The deceased is none other than the wife of the petitioner herein. The petitioner's wife had committed suicide on 05.02.2020. The learned counsel appearing for the intervenor as well as the learned Government Advocate (Criminal Side) would point out that the suicide note left behind by the deceased, directly implicated the petitioner herein. It is further stated that the veracity of the suicide note has been sent for the opinion of the handwriting expert and the report is still awaited.

4. The learned Government Advocate (Criminal Side) would point out that the duration of petitioner's incarceration is rather short.

5. Even though the investigation is pending, the question that arises is whether the petitioner's continued detention is warranted. The petitioner is aged about 72 years and the deceased is none other than his wife. It appears that there is a property dispute between the petitioner on the one hand and the intervenor on the other. Taking note of the age of the petitioner and other aspects, I am of the view that no prejudice to the prosecution will occur, if he is granted bail and hence, 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 XVII Metropolitan Magistrate, Sydapet 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 not commit any offences of similar nature; (d) the petitioner shall not abscond either during investigation or trial;

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

(f) 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 5560]**;

(g) 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/-
06/05/2021

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 METROPOLITAN MAGISTRATE,
NO.XVII, SYDAPET, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-3 ASHOK NAGAR POLICE STATION,
CHENNAI.

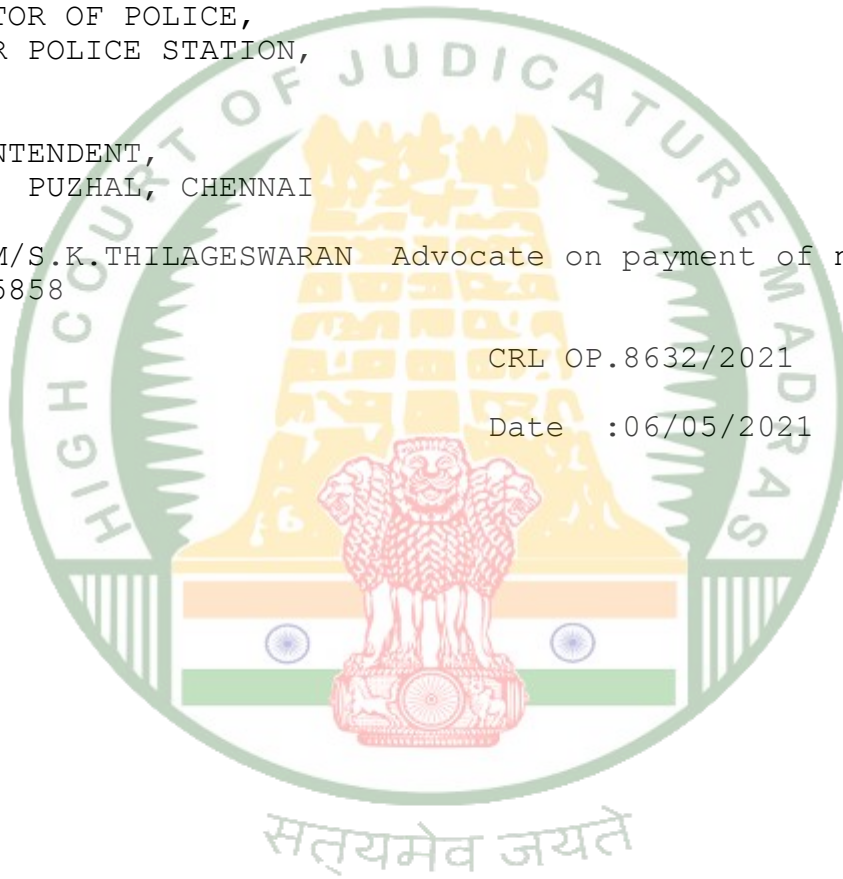
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

+1 CC to M/S.K.THILAGESWARAN Advocate on payment of necessary
charges SR.NO.5858

CRL OP.8632/2021

Date :06/05/2021

TA-07/05/2021



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