

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.O.P.No.9386 of 2021

Magendiran

.. Petitioner

Versus

State rep.by

The Inspector of Police

Velampalayam Police Station,

Tiruppur City,

Tiruppur District.

(Crime No.275 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in connection with Crime No. 275 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.E.Rajthilak
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.03.2021 for the offences punishable under Section 302 of IPC in Crime No.275 of 2021 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 on the date of occurrence the petitioner killed the victim suspecting her fidelity. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submit that he is in judicial custody since 30.03.2021.

4. The learned Government Advocate (Crl.Side) opposed the bail petition on the ground that the the investigation is still pending and the post mortem report is awaited.

5. Considering the period of incarceration and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) The petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Coimbatore. and thereafter on his release;

(b) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.III, Tiruppur, within 15 days from the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand cancelled automatically;;

(c) 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.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(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 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].

(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/-
19/05/2021

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 JUDICIAL MAGISTRATE,
NO.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELAMPALAYAM POLICE STATION,
TIRUPPUR CITY,
TIRUPPUR DISTRICT.

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

WEB COPY

CRL OP.9386/2021

Date :19/05/2021

cs 24/05/2021