



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11333 of 2021

Ravuthkumar

... Petitioner

Vs.

The State Represented by :-

Inspector of Police,
Sivagiri Police Station,
Erode District.
Crime No.90 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner/accused on bail in connection with
the crime No.90 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.A.Gopinath
Government Advocate(Crl. side)

O R D E R

The petitioner who was arrested on 20.05.2021 and remanded to
judicial custody for the offence under Section 302 of IPC in Crime
No.90 of 2021, on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner is the
husband and the deceased is the wife. They got married during the
year 2019 and they blessed with a male child, who is now aged about 1
1/2 years. Since the wife has not taken care of the family members, a
quarrel arose between them. On 21.05.2020, the petitioner along with
other accused persons joined together, had attacked the defacto
complainant's daughter. Due to which, she died. Based on the
complaint lodged by the defacto complainant, who is the father of the
deceased, the respondent police registered a case against the
petitioner and other accused persons.

3. The learned counsel appearing for the petitioner submitted
that the petitioner is innocent and he is nothing to do with the
alleged offence as stated by the prosecution and the petitioner has
to take care of his child and aged parents and he is in custody from
20.05.2021. Co-accused have already been arrested and released on
bail by this Court. Hence, he learned counsel prays to grant bail to
the petitioner.



4.The learned Government Advocate submitted that investigation has been completed in this case and co-accused, who are in laws, have already released on bail by this Court.

5.Considering the facts and circumstances of the case, the petitioner having been under incarceration in prison from 20.05.2021 and co-accused have been released on bail, this Court is inclined to grant bail to the petitioner with 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, Kodumudi 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 is directed to appear before the respondent police daily morning at 10.30 am 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

23/07/2021

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,
KODUMUDI

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, GOBICHETTIPALAYAM

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

CRL OP.11333/2021

Date :23/07/2021

RVR 26/07/2021