



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12381 of 2021

Murugan

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.
Crime No.159 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.159 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.R.Anna Gandhi

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

ORDER

The petitioner, who was arrested on 01.05.2021 and remanded to judicial custody for the offence under Section 302 and 201 of IPC in Cr.No.159 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.04.2021, the defacto complainant lodged a complaint that her daughter is found dead in backside of the her house.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and the petitioner has been in jail from 01.05.2021. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that there is an illegal intimacy between the petitioner's wife and the other person. This leads to a quarrel between the petitioner and his wife. Due to which, the petitioner burnt his wife and committed murder and thrown her body in the backside of her house. Further he submitted that investigation has been completed and charge sheet has also been filed in PRC No.5 of 2021 before the learned Judicial Magistrate, Pennagaram. If the petitioner is released on bail, the trial proceedings would go delay. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and further investigation has also been completed and charge has also been filed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Jail, Dharmapuri in which the petitioner is confined and on such execution the petitioner shall be released from prison;

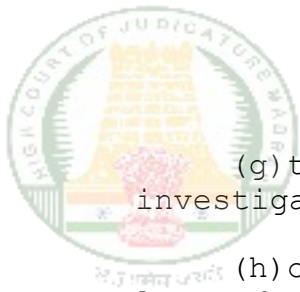
(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Pennagaram;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

(e) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders and the petitioner is directed to appear before the trial Court on each and every hearings without fail;

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



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

(h) 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;

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

-sd/-
19/07/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PENNAGARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, DHARMAPURI.

4 THE INSPECTOR OF POLICE,
PAPPARAPATTI POLICE STATION,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S V.R.ANNAGANDHI Advocate on payment of necessary charges

CRL OP.12381/2021

Date :19/07/2021

MK:20/07/2021