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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12841 of 2021

Gowtam

... Petitioner

Vs.

State represented by
Inspector of Police,
Perumanallur Police Station,
Tiruppur District.
Crime No.602 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.602 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.N. Ponraj

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

ORDER

The petitioner who are arrested on 23.06.2021 for the offence under Sections 307 and 498-A of I.P.C in Crime No.602 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant fell in love with each other and the petitioner had physical relationship with the defacto complainant, thereby the defacto complainant got pregnant. Subsequently the petitioner insisted the defacto complainant to abort and the same was refused by the defacto complainant. Due to which the petitioner poured kerosene on the defacto complainant's body and set fire on her. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant are husband and wife and due to family dispute a false case has been foisted against the petitioner and he is in custody from 23.06.2021. Hence, he learned counsel prays to grant bail to the petitioner.



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4.The learned Government Advocate submitted that due to the act of the petitioner, the defacto complainant sustained injuries. He further submitted that there is no previous case pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case, the petitioner having been under incarceration from 23.06.2021 and there is no previous case pending against him, 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, Avinashi, 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/-
26/07/2021

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



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUMANALLUR POLICE STATION,
TIRUPPUR DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT JAIL, TIRUPPUR.

CC to M/S N.PONRAJ Advocate on payment of necessary charges

CRL OP.12841/2021

Date :26/07/2021

TA-27/07/2021