



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13691 of 2021

A. Sivakumar
S/o.Annamalai

... Petitioner

Vs.

State represented by
The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.
(Crme No.583 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 Crime No.583 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Jayachandran

For Respondent : Mr.C.E. Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 13.06.2021 and remanded to judicial custody for the offences under Sections 174 of Cr.P.C altered to 302 of I.P.C in Crime No.583 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant married the deceased in the year 2006 and due to the wedlock 2 children were born to them. It is alleged that the deceased was a Asthma patient and she was not able to cope up with the day to day life. While so the petitioner her compelled her to have sex with him on the date of occurrence. Subsequently the deceased became unconscious and she was taken to hospital, where the doctor confirmed the death of the deceased. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 13.06.2021. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that the petitioner has to take care of two children and there is no previous case pending against the petitioner and also taking note of the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tiruvannamalai, 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 shall report before the respondent police, daily at 10.30 a.m. 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 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;

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

-sd/-

06/08/2021

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.I, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S P.JAYACHANDRAN Advocate on payment of necessary
charges S.R. NO. 8236

CRL OP.13691/2021

Date :06/08/2021

JPA 09/08/2021