



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.14452 of 2021

WEB COPY

S.Ayyappan

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Ulundurpet Police Station,
Ulundurpet, Villupuram District.
Crime No.372 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.372 of 2021 pending on the file of the respondent
police.

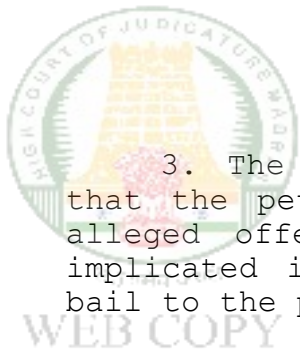
For Petitioner : Mr.P.Jayachandran

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

O R D E R

The petitioner who was arrested on 04.06.2021 and remanded to
judicial custody for the offence under Section 302 of IPC in Crime
No.372 of 2021, on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the defacto
complainant is the mother of the deceased. She lodged a complaint
against the petitioner stating that her daughter Ezhilselvi got
married one Sivaperumal before five years. Out of the wedlock, they
blessed with a female child. Due to misunderstanding the couple were
living separately. Thereafter, the deceased Ezhilselvi had illegal
intimacy with one Ayyappan, who is the petitioner herein and they
were living at Kandhasamipuram. Due to dispute between the petitioner
and the deceased Ezhilselvi, the petitioner strangulated her neck and
she died. Based on the complaint lodged by the defacto complainant,
who is the mother of the deceased, the respondent police registered a
case against the petitioner.



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 he is falsely implicated in this case. Hence, he learned counsel prays to grant bail to the petitioner.

4. The learned Government Advocate submitted that this is the second bail application of the petitioner and investigation has been completed in this case. If the petitioner is released on bail, there is a chance for tampering the witnesses and hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, investigation has been completed and the petitioner having been under incarceration in prison from 04.06.2021, 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-I, Ulundurpet 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/-

17/08/2021

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, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
ULUNDURPET POLICE STATION,
ULUNDURPET,VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE

CC to M/S. P.JAYACHANDRAN Advocate on payment of necessary charges Sr.8629

CRL OP.14452/2021

Date :17/08/2021

RVR 18/08/2021