



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15651 of 2021

Nithiyanantham

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
J-3 Guindy Police Station,
Chennai
(Crime No.639 of 2021)

... Respondent

PRAYER:Criminal Original Petition has been filed under Section 439 of Cr.P.C,prayed to enlarge the petitioner on bail pending investigation in Crime No.639 of 2021 on the file of the respondent police.

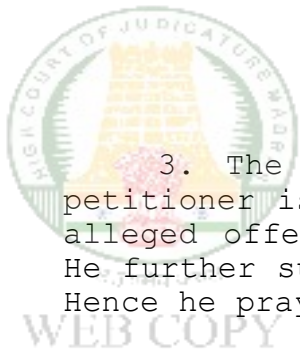
For Petitioner : Mr. M. Kaveri Selvam

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

ORDER

The petitioner who was arrested on 12.07.2021 and remanded to judicial custody for the offences under Section 302 of IPC in Crime No.639 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner married the deceased on 04.11.2020 and they were living in the matrimonial home as husband and wife. Thereafter the petitioner always suspect the fidelity of the deceased and pick up quarrel with her. While so on the date of occurrence the petitioner there was a wordy quarrel between the petitioner and the deceased regarding the fidelity of the deceased and the petitioner attacked the deceased and caused multiple stab injury all over her body. Based on the complaint given by the brother of the deceased, the law enforcing agency registered a case against the petitioner.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offences and he has been falsely implicated in this case. He further submits that the petitioner has been jail from 12.07.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that there was a wordy quarrel between the petitioner and deceased regarding the fidelity of the deceased and the petitioner attacked the deceased and caused multiple stab injury all over her body. He further submits there is no previous case pending against the petitioner. Hence, the learned Government Advocate opposed for grant of bail to the petitioner.

5. Considering the submissions made by the petitioner and there is no previous case pending against the petitioner and also considering 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 IX Metropolitan Magistrate Court, Saidapet 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.

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13/09/2021

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 IX METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
J-3, GUINDY POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON-II,
PUZHAL, CHENNAI

CC to M/S. M.KAVERI SELVAM Advocate on payment of necessary charges Sr.9946

CRL OP.15651/2021

Date :13/09/2021

RVR 14/09/2021