



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16887 of 2021

Kandan

... Petitioner

Vs.

State rep by,
The Inspector of Police,
Kachirapalayam Police Station,
(Crime No.273 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.273 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Y.George William

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 14.05.2021 for the offences under Section 302 of IPC, in Crime No.273 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased Sangeetha and her marriage took place 15 years before and out of their wedlock, they have two children and her husband was died and thereafter the deceased Sangeetha married this petitioner and due to the family dispute between the deceased and the petitioner, both of them were separated through Village Panchayath and thereafter, the petitioner had doubted about the character of the deceased and hence on the occurrence day the petitioner called the deceased through cellphone and took her to the occurrence place and the petitioner assaulted the deceased with Koduval all over the body and hence she died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and he has been falsely implicated. He further submits that he is in jail from 14.05.2021.Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the investigation is still pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. 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 Judicial Magistrate No. I, Kallakurichi, 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/-
15/09/2021

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.



1 THE JUDICIAL MAGISTRATE,
NO.I, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KACHIRAPALAYAM POLICE STATION.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. GEORGE WILLIAM Y. Advocate on payment of necessary
charges

CRL OP.16887/2021

Date :15/09/2021

JPA 16/09/2021