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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22681 of 2021

Vimalraj

... Petitioner

Vs.

The Inspector of Police
Thirunavalur Police Station
Kallakurichi District
Crime No.685 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.685 of 2021 on the file of the respondent police

For Petitioner : Mr.S.Nedunchezhiyan

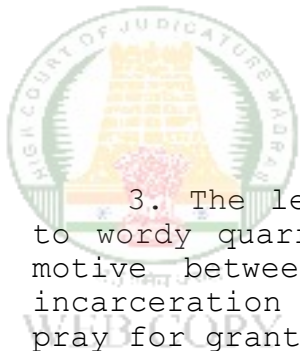
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.10.2021 for the offences under Sections 294(b) and 302 of IPC in Crime No.685 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a property dispute between the petitioner and his family members, due to which, wordy quarrel arose between the petitioner's wife and the deceased mother. On 17.10.2021, the petitioner questioned his mother about the said incident and slapped his mother. The defacto complainant who is the husband of the deceased taken his wife to the hospital and the doctor declared his wife died. Hence, he lodged the complaint.



3. The learned counsel for the petitioner would submit that due to wordy quarrel, the alleged occurrence happened, and there was no motive between them and that the petitioner has been suffering incarceration for more than 40 days from 18.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise an objection stating that by demanding the share of his properties, a dispute was arose and the alleged occurrence happened and the investigation is almost completed.

5. Considering the facts that the petitioner is being the son of the deceased, is the bread winner of the family, who is having two children along with wife, and that the investigation is almost completed and also considering the period of incarceration undergone 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-II, Ulundurpet, and on further conditions 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 on every Wednesday and Saturday 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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-sd/-
29/11/2021

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.II, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THIRUNAVAILUR POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.NEDUNCHEZHIAN Advocate on payment of necessary charges SR.NO.13616

CRL OP.22681/2021

Date :29/11/2021

JPA 30/11/2021