



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

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CORAM:

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

Cr1.O.P.No.23706 of 2021

Chandramohan,

... Petitioner

Vs.

State by Inspector of Police,
T-11, Thirunindravur Police Station,
Thiruvallur-602 024.
(Crime No.1163 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.1163 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.N.Arunkumar

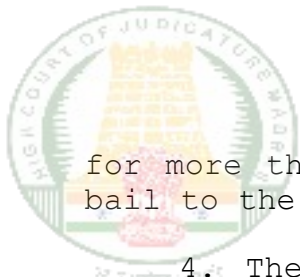
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 09.10.2021 for the offences under **Section 302 of IPC** in Crime No.1163 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner is the husband of the deceased having their marriage held in the year 2010, has suspected the character of the deceased and used to beat her in drunken mode, hence, the deceased used to go to Sunambedu temple, that on 08.10.2021, due to such family dispute, the petitioner assaulted the deceased with wooden log, but hiding such assault, the petitioner had taken the injured wife to hospital, where she was declared as dead due to injuries sustained over head. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he has two children and they are living without their parents and now the children are living with their paternal grand father and that the petitioner has been suffering incarceration



for more than 55 days from 09.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner assaulted his wife by using wooden log in her head, due to that deceased died and admits the fact that the petitioner is having two children and the investigation was almost completed.

5. On Considering the welfare of two children and also considering the period of incarceration undergone by the petitioner and also the fact the investigation was almost completed hence, 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 **learned Judicial Magistrate-II, Thiruvallur**, 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 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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-sd/-
08/12/2021

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-11, THIRUNINDRAVUR POLICE STATION,
THIRUVALLUR-602 024.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges SR.NO.14277

CRL OP.23706/2021

Date :08/12/2021

TA-08/12/2021