



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

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

Crl.O.P.No.23829 of 2021

Sivaprakasam

...Petitioner

Vs.

The State Represented by,  
The Inspector of Police  
Ulundurpet Police Station,  
Kallakurichi District  
(Crime No.627 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.627 of 2021 (on the file of Ulundurpet Police Station, Kallakurichi District), pending investigation on the file of the Respondent Police.

For petitioner : Mr.S.Mageshkumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.09.2021 for the offence under Section 302 of Indian Penal Code, in Crime No.627 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 and on the date of occurrence, the petitioner in an inebriated condition demanded money from his wife. When the same was refused by her, there was a wordy quarrel aroused between them and the petitioner has assaulted the deceased and caused grievous injuries to her and thereby she died. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has no motive to kill the deceased and they are having two children, living without the parents



care and the petitioner has been suffering incarceration for more than 75 days from 21.09.2021 and hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner is the sole accused and he is the husband of the deceased and further submits that the investigation is almost completed.

5. Considering the nature of allegation against the petitioner and considering his family having two children of tender age who are supposed to stand in the street in the absence of the petitioner's support and care, 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-I, Ulundurpet at Villupuram, 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.

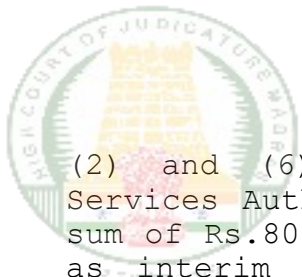
(c) the petitioner shall not tamper with evidence or witness during trial;

(d) the petitioner shall not abscond during 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.

7. Further, as per FIR, the petitioner caused death to his wife. Thereby, the accused have been charged for the offences under Section 302 of IPC. On considering the nature of occurrence, this Court recommends that it is a fit case to refer, as per 357(A) (1)



(2) and (6) of Victim Compensation Scheme. The District Legal Services Authority, Villupuram District, is hereby directed to pay a sum of Rs.80,000/- [(Rupees Eighty Thousand Only) (Rs.40,000/-each) ] as interim compensation to the two children of deceased, in the manner known to law within a period of 3 weeks from the date of receipt of copy of this order and further the children should be under the care of guardian ship of maternal or paternal grand parents and the said amount along with the accrued interest shall be utilised for the purpose of welfare of two children until they get majority.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

09/12/2021

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.I, ULUNDURPET, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE  
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
ULUNDURPET POLICE STATION,  
KALLAKURICHI DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, CUDDALORE

COPY TO:

1 THE CHAIRMAN/DISTRICT  
LEGAL SERVICES AUTHORITY,  
VILLUPURAM DISTRICT.

2 THE SECRETARY,  
DISTRICT LEGAL SERVICES AUTHORITY,  
VILLUPURAM DISTRICT.



3 THE DISTRICT LEGAL SERVICES  
AUTHORITY, VILLUPURAM DISTRICT.

CC to M/S.S.MAGESHKUMAR  
charges

Advocate on payment of necessary

CRL OP.23829/2021

Date :09/12/2021

RVR 10/12/2021