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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

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

Cr1.O.P.No.24627 of 2021

Alaguvel

...Petitioner

Vs.

State by
Inspector of Police
Veeraganur Police Station
Salem District
Cr.No.169 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.169 of 2021 pending on the file of the Inspector of Police, Veeraganur Police Station, Salem District.

For Petitioner : Mr.N.Sudharsan

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

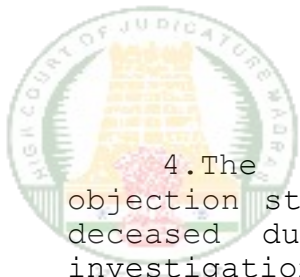
ORDER

(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 302 IPC @ 294(b), 302 and 201 IPC in Crime No.169 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the father of the deceased and the petitioner is the husband of the deceased. On 14.10.2021, the defacto complainant's daughter was found murdered near his Paddy field. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the husband of the deceased and based on a false complaint lodged by his father-in-law, the petitioner has been falsely implicated in this case. He would further submit that this is the second application for bail and the earlier application was dismissed by this Court in Cr1.O.P.No.22478 of 2021 by order dated 26.11.2021 and that the petitioner has been suffering incarceration for 64 days from 18.10.2021 and hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner suspected the character of the deceased due to which, he murdered the deceased but admits that the investigation is almost completed.

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5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by him, 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, Attur, Salem District, 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.

-sd/-

20/12/2021

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.1, ATTUR, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE
VEERAGANUR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S. N.SUDHARSAN Advocate on payment of necessary charges
Sr.15107

CRL OP.24627/2021

Date :20/12/2021

RVR 22/12/2021