



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.758 of 2021

Saravanan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.785 of 2020.

... Respondent/Complainant

For Petitioner : Mr.C.Mayil Vahana Rajendran,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For a Bail in Crime No 785 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 22.12.2020 for the offence punishable under Section 302 of IPC on the file of the respondent police seeks bail.

2.The petitioner is the husband of the deceased. The case of the prosecution is that due to some matrimonial dispute between the petitioner and the deceased on the date of occurrence the petitioner herein hacked the deceased with sickle and succumbed to injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would also submit that due to sudden provocation the occurrence said to have taken place and the petitioner is in jail for more than 45 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant in this case is the son of the deceased. The marriage between the petitioner and the deceased took place in the year 2007 and they were blessed with two female and one male child. The deceased said to have illegal intimacy with some other person and when the same was questioned by the petitioner there was a quarrel, in which the petitioner said to have assaulted the deceased with sickle who succumbed to injuries. He would also submit that the occurrence said to have taken place only on 22.12.2020 and the investigation is at the crucial stage.

5. It is seen that the petitioner and the deceased loved each other and the petitioner is working in the auditor office after completing B.Sc., and M.A., The deceased is the wife of the petitioner and out of their marriage they were blessed with two female children and one male child. The deceased had developed some relationship with a relative and it was opposed by the petitioner and the deceased started living separately. Considering the future of the children and one of their daughter attained puberty recently. The petitioner approached the deceased for re-union, but she continued to live as per her wish, she also filed a petition for divorce in HMOP NO. 51 of 2020 and the same is pending before the Family Court, Ramnad, which triggered the issue. Substantial portion of the investigation is almost over and awaiting for certain reports.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration this Court is inclined to grant bail to the petitioner subject to the following 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.



v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE JUDICIAL MAGISTRATE NO II, RAMANATHAPURAM.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4.THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.C.MAYILVAHANA RAJENDRAN Advocate (SR-593[I] dated 02/02/2021)

ORDER
IN
CRL OP(MD) No.758 of 2021
Date :01/02/2021

AAV
TK/VR/SAR.2/03.02.2021/3P/7C