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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11163 of 2021

Thillairamkumar

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Rameshwaram Town Police Station,
Ramanathapuram District.
(Crime No.194 of 2021).

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

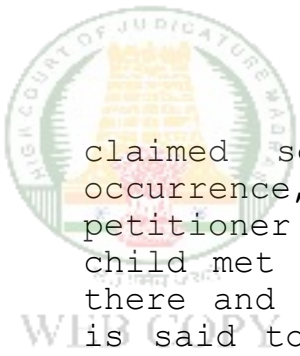
PRAYER :-

For Bail in Crime No.194 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 22.06.2021, for the offences punishable under Sections 294(b) and 302 of IPC, in Crime No.194 of 2021 on the file of the respondent police, seeks bail.

2. The deceased is the wife of the petitioner. She eloped with a friend of the petitioner three months prior to the occurrence and after some time, at the intervention of the elders, they lived together and again, the deceased eloped leaving her child with the petitioner one month prior to the occurrence. A compromise talk took place on 21.06.2021, at that time, the deceased is said to have



claimed some property from the petitioner. On the date of occurrence, i.e. on 22.06.2021, the defacto complainant called the petitioner to show the child to her. The petitioner along with his child met the defacto complainant, at that time, the deceased came there and created a quarrel and consequent to that, the petitioner is said to have assaulted the deceased with a knife. Hence, the case.

3. The learned counsel for the petitioner submitted that due to sudden provocation, the said occurrence had taken place. After the occurrence, the petitioner himself has surrendered before the respondent Police. It is further submitted that the petitioner is languishing in jail from 22.06.2021. Hence, he seeks for bail.

4. The learned Government Advocate (Crl. Side) submitted that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that after the occurrence, the petitioner himself surrendered before the respondent Police and he is in jail from 22.06.2021, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. 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 Rameshwaram, Ramanathapuram 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 as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
11/08/2021

/ 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,
RAMESHWARAM, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
RAMESHWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11163 of 2021
Date :11/08/2021

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USK/VR/SAR-I : 11/08/2021 : 3P/6C