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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Crl.O.P.No.1897 of 2022

Selvaraj

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Pallikaranai Police Station,
Kancheepuram District.
(Crime No. 1306 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. 1306 of 2021 on the file of the Respondent.

For Petitioner : M/s.K.Thenrajan

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 30.11.2021 for the offences under Sections 294(b), 323, 324 & 506(2) of IPC and subsequently, altered into Section 302 IPC, in Crime No.1306 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased is the wife of the petitioner. On 28.11.2021, out of wordy quarrel, the petitioner in a drunken mood, stabbed the deceased with knife. Subsequently, she was given treatment and discharged from the hospital. However, after discharging from the hospital, she died. Hence, the complainant.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.1897 of 2022 dated 04.01.2022 and that the petitioner has been suffering incarceration for more than 60 days from 30.11.2021 and would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that the petitioner stabbed his wife in a drunken state but admits that the investigation is almost completed.

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5. It is seen that the occurrence is alleged to have taken place in a drunken state. Considering the above facts and circumstances of the case and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate-II, Alandur, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Monday and Saturday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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

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-sd/-
31/01/2022

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, ALALDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION,
KANCHEEPURAM

CC to N.SANTHOSH Advocate on payment of necessary charges
Sr.1408

CRL OP.1897/2022

Date :31/01/2022

RVR 01/02/2022