



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.3235 of 2022

M.Mani

... Petitioner / Accused

versus

State rep. by
The Inspector of Police
Natrampalli Police Station,
Thirupathur District.
(Crime No:512 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.512 of 2021 on the file of the respondent police.

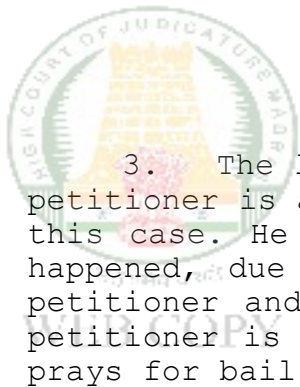
For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was surrendered and remanded to judicial custody on 01.12.2021 for the offences punishable under Sections 294(b), 506(ii) and 302 of IPC in Crime No.512 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to family dispute, there was a wordy quarrel arose between the deceased and the petitioner, the petitioner being the father-in-law of the deceased, assaulted the deceased by using knife and as a result of which, she died on the spot. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, the alleged occurrence had happened, due to development of wordy quarrel happened between the petitioner and the deceased. It is his specific submission that the petitioner is in judicial custody from 01.12.2021 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, the petitioner is having permanent residence and a portion of the investigation alone completed.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offences punishable under Sections 294(b), 506(ii) and 302 of IPC. The averments found in the First Information Report would disclose the fact that, during the relevant point of time, the petitioner and the deceased quarreled with each other and after developing the same, the petitioner being the father-in-law of the deceased assaulted the deceased with knife. However, as of now, the petitioner is in the judicial custody for the past 85 days.

6. Therefore, taking note of all the above said aspects into consideration and also considering the fact that the petitioner is in incarceration from 01.12.2021 onwards, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thirupathur;

(b) 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;

(c) the petitioner is directed to appear before the Salem Town Police Station daily at 10.00 a.m. until further orders;

(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 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];

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

-sd/-

25/02/2022

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.III, THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NATRAMPALLI POLICE STATION,
THIRUPATHUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
STATION HOUSE OFFICER,
SALEM TOWN POLICE STATION, SALEM.

+1 CC to M/S.G.NIRMAL KRISHNAN Advocate on payment of necessary charges SR.NO.2915

CRL OP.3235/2022

Date :25/02/2022

JPA 28/02/2022