



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.OP.No.5533 of 2022

Sabarinathan

... Petitioner

Vs.

The State by Inspector of Police,
Komarapalayam Police Station,
Namakkal District.
Cr.No.429 of 2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.429 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.A.Ravindran

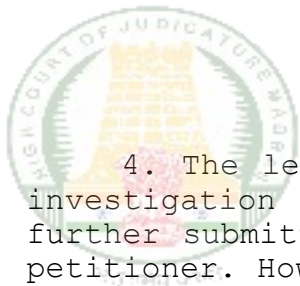
For Respondent : Mr.S.Udaya Kumar
Government Advocate (Cr1 side)

ORDER

The petitioner, who was arrested on 13.06.2021 and remanded to judicial custody for the offence under Sections 302 of I.P.C in Cr.No.429 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has murdered his wife namely Tharanidevi by strangulation in order to maintain his illicit intimacy with his college mate and there by committed the offence. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that, this is the 7th bail application filed by the petitioner and he has been in jail for more than 270 days. He further submitted that, the investigation has been completed and charge sheet has been filed and P.R.C.No.7 of 2021 is assigned. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that the investigation has been completed and the charge sheet is filed. He further submitted that, there is no previous case pending against the petitioner. However, he opposed grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and further considering the fact that the investigation is completed and charge sheet has been filed, 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 sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Komarapalayam, Namakkal District, and on further condition 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 is directed to appear before the Trial Court every Monday 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

WEB COPY

-sd/-
10/03/2022

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,
KOMARAPALAYAM, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KOMARAPALAYAM POLICE STATION,
NAMAKKAL

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S N.A.RAVINDRAN Advocate on payment of necessary
charges SR.NO.3699

CRL OP.5533/2022

Date :10/03/2022

JPA 11/03/2022