



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8570 of 2022

Ganesan

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kottur Police Station,
Thiruvarur District.
(Crime No.50 of 2022)

.. 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.50 of 2022 on the file of the Inspector of police, Kottur Police Station, Thiruvarur District.

For Petitioner : Mr.Swamisubramanian

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

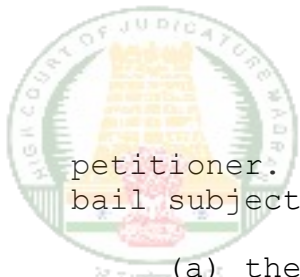
O R D E R

The petitioner, who was arrested on 16.02.2022 for the offences punishable under Section 306 of IPC in Crime No.50 of 2022, on the file of the respondent police, seeks bail.

2.Due to matrimonial dispute between the husband and wife, the deceased has consumed pesticide and was admitted in the hospital. Later, she died giving her dying declaration implicating her husband, who is the petitioner herein. The petitioner was arrested on 16.02.2022.

3.The learned Additional Public Prosecutor appearing for the respondent states that the investigation is completed and they are waiting for the viscera report to file the final report.

4.Considering the fact that in a domestic quarrel, the petitioner has attacked his wife and being unable to tolerate his torture, the deceased wife has consumed pesticide and died after giving statement to the police which has now been considered as dying declaration, this Court is inclined to grant bail to this



petitioner. 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.II, Mannargudi, Tiruvarur District;

(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 Investigation Officer daily at 10.30 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/-

13/04/2022

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, MANNARGUDI, TIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR(FOR INFORMATION)



3 INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
THIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE JAILER,
SUB JAIL, NANNILAM

CC to M/S. SWAMISUBRAMANIAN Advocate on payment of necessary
charges

CRL OP.8570/2022

Date :13/04/2022

RVR 18/04/2022