



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11417 of 2022

ABDUR RAHMAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
B-2 ESPLANADE POLICE STATION,
CHENNAI-600 001.
CR.NO.79 OF 2022.

[RESPONDENT]

For Petitioner : M/S.G.VINODHKUMAR Advocate

For Respondent : MR.S.SANTHOSH Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

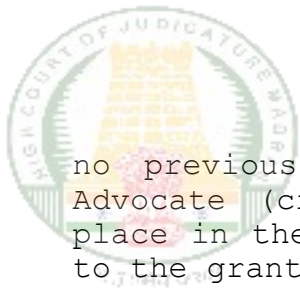
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to the judicial custody on 11.03.2022 for the alleged offence under Section 302 of IPC in Crime No.79 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was married to the deceased in the year 2012 and they have two children. Further, the case of the prosecution is that the deceased developed an illegal intimacy with the brother and due to the same, there was regular quarrel between the petitioner and the deceased. On the fateful day, the petitioner is set to have strangled the deceased, as a result of which, she died on the spot. This incident has taken place in the presence of the children.

3. The learned counsel for the petitioner submitted that even as per the case of the prosecution, the incident had taken place in the spur of the moment and it was not a case of preplanned murder. The learned counsel for the petitioner further submitted that the petitioner has already suffered incarceration nearly 69 days and the petitioner is willing to comply with any conditions imposed by this Court.

4. Per contra, the learned Government Advocate (crl.side) submitted that the investigation is yet to be completed and there are



no previous cases against the petitioner. The learned Government Advocate (crl.side) further submitted that the incident had taken place in the presence of the children and hence, seriously objected to the grant of bail to the petitioner.

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5. It is the case where, there was misunderstanding between the petitioner and his wife on the ground that she had developed an illegal intimacy with the brother of the petitioner. Unfortunately, repeated quarrels led to the petitioner strangulating his wife, which resulted in her death. The investigating officer has already recorded the statements of all the witnesses and the filing of the final report is awaiting the reports to be received from the experts. The petitioner has also suffered incarceration for nearly 69 days. In view of the same, this Court is inclined to enlarge the petitioner on bail by subjecting him to stringent 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, each for a like sum to the satisfaction of the learned Metropolitan Magistrate No.VII, George Town, Chennai, 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 daily at 10.30 a.m and 5.30 p.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 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/-

18/05/2022

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.



1 THE METROPOLITAN MAGISTRATE NO.VII,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METRO POLITAN MAGISTRATE,
EGMORE CHENNAI[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS-104.

4 THE INSPECTOR OF POLICE,
B-2 ESPLANADE POLICE STATION,
CHENNAI-600 001.

5 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.G.VINODHKUMAR Advocate on payment of necessary
charges Sr.7147

CRL OP.11417/2022

Date :18/05/2022

srg 18/05/2022