



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.11399 of 2022

PERUMAL

[ PETITIONER / ACCUSED ]

Vs

STATE REP.BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
THIRUPPATHUR TALUK POLICE STATION,  
THIRUPPATHUR DISTRICT.  
CR.NO.132 OF 2022.

For Petitioner : M/S.E.KANNADASAN Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.04.2022 for alleged offence under Sections 294(b) and 302 IPC in Crime No.132 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased who is his wife used to have wordy quarrel on a regular basis. On the fateful day, the wordy quarrel resulted in the petitioner attacking the deceased with a crowbar on her head resulting in the death of the wife of the petitioner.

3. Learned counsel for the petitioner submitted that there was a regular quarrel between the petitioner and the deceased since the petitioner suspected the fidelity of his wife. It was further submitted that the entire incident had taken place in the spur of the moment and that the petitioner has already suffered incarceration for more than 38 days. Learned counsel further submitted that the petitioner will cooperate for the investigation and will comply with any conditions imposed by this Court.



4. Learned Government Advocate (Criminal Side) submitted that the petitioner attacked the deceased with a crowbar on her head which resulted in her demise. Learned Government Advocate (Criminal Side) further submitted that the investigation has been completed and the chemical report is awaited and thereafter final report will be filed before the concerned Court. It was further submitted that there are no previous cases against the petitioner.

5. This Court carefully considered the materials available on record and it seems that the entire incident had taken place in the spur of the moment. There used to be regular quarrel between the petitioner and his wife and on the fateful day, the deceased was attacked by the petitioner with crowbar on her head which resulted in her death. There are no previous cases against the petitioner and the petitioner has already suffered incarceration for nearly 38 days and the investigation has also been completed except awaiting the chemical report.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail by imposing stringent conditions.

7. 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 Judicial Magistrate No.II, Thiruppathur, 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 6.30 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 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.

WEB COPY

-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.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.II, THIRUPPATHUR, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
THIRUPPATHUR TALUK POLICE STATION,  
THIRUPPATHUR DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.7208

CRL OP.11399/2022

Date :18/05/2022

TA-18/05/2022