



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.11518 of 2022

NELSON PRABHU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KADAMPULIYU POLICE STATION,
CUDALORE.
CR.NO. 327/2022.

[RESPONDENT]

For Petitioner : M/S.M.MARIMUTHU 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 judicial custody on 28.04.2022, for the offences under Sections 294(b), 352, 448, 498-A, 506(i) and 307 IPC, seeks bail.

2.The case of the prosecution is that the petitioner attacked his wife who is the de facto complainant and it is stated that the petitioner was demanding for dowry and continuously treated his wife with cruelty.

3.The learned counsel for the petitioner submitted that there is a matrimonial dispute between the petitioner and the de facto complainant and initially, the de facto complainant gave a complaint before the All Women Police Station, Panruti, and during the enquiry, the de facto complainant did not co-operate and hence, the complaint was closed on 11.05.2022. Even thereafter, a false complaint has been lodged against the petitioner and the petitioner was arrested and he has suffered incarceration for 19 days.

4.The learned Government Advocate (Crl. Side), appearing for the respondent, submitted that the petitioner was continuously harassing and treating his wife with cruelty and was demanding for dowry. In the present case, the petitioner repeatedly attacked his wife in her



abdomen and attempted to kill her. The learned Government Advocate (Crl. Side) further submitted that the investigation is yet to be completed in this case.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there is a matrimonial dispute between the petitioner and the de facto complainant and there is a minor child whose welfare has to be taken into consideration and the petitioner has already suffered incarceration for 19 days, this Court is inclined to enlarge the petitioner on bail by imposing certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on he executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Panruti, 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 every Friday at 06.30 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].

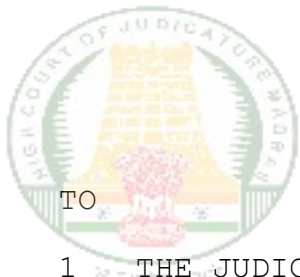
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-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,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE DISTRICT.[FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, PANRUTI.

4 THE INSPECTOR OF POLICE,
KADAMPULIYU POLICE STATION,
CUDALORE.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.M.MARIMUTHU Advocate on payment of necessary
charges Sr.7273

CRL OP.11518/2022

Date :18/05/2022

srg 19/05/2022