



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12361 of 2022

KAMARAJ

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
PERAMBALUR POLICE STATION,
PERAMBALUR.
CRIME NO.310/2022.

[RESPONDENT]

For Petitioner : M/S.K.SELVARANGAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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 02.05.2022 for the alleged offences under Sections 294(b), 307 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.310 of 2022 on the file of the respondent police, seeks bail.

2. The complaint is that the defacto complainant, who is the wife of the petitioner, when she went to the Combined Court, Perambalur on 29.04.2022 to attend the matrimonial case, at that time, her husband had assaulted her using knife and thereafter, he escaped from the scene of occurrence, due to which, she had sustained injuries and taken treatment for the injury in the hospital.

3.The contention of the petitioner is that the petitioner had filed a divorce petition against his wife on the ground of adultery. She is living with one Gopalakrishnan and she is having intimacy with one Gopalakrishnan on the date of occurrence. He had gone to the



Family Court, Perambalur and at that time, the said Gopalakrishnan and his wife had assaulted him and beaten him due to which the petitioner sustained injuries.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the defacto complainant, who is the wife of the petitioner sustained injuries and got discharged from the hospital.

5. Considering the above submission, this Court is inclined to enlarge the petitioner on bail subject to imposing 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 Additional Mahila Court, Perambalur 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 as and when required.

[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].

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

-sd/-

25/05/2022

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 ADDITIONAL MAHILA
COURT, PERAMBALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
PERAMBALUR POLICE STATION,
PERAMBALUR.

+1 CC to M/S.K.SELVARANGAN Advocate on payment of necessary
charges SR.NO. 7827

CRL OP.12361/2022

Date :25/05/2022

RW-26/05/2022