



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.12389 of 2022

1 GANESH
2 RAJA @ MATHAVAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS
THE SUB INSPECTOR OF POLICE,
ENNORE POLICE STATION,
CHENNAI
CRIME NO.230 OF 2022.

[RESPONDENT]

For Petitioner : M/S. R.SASIKUMAR 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 petitioners, who were arrested and remanded to judicial custody on 23.03.2022 for the alleged offence under Sections 147, 148, 294(b), 323, 324, 307 and 506(2) of IPC altered into sections 147, 148, 294(b), 323, 324, 302 and 506(2) IPC in Crime No.230 of 2022 on the file of the respondent police, seek bail.

2. The case of prosecution is that the petitioner is wife of A1. A2 said to have assaulted the defacto complainant's husband with wooden log on 23.03.2022 and thereafter, he succumbed to injury on 01.04.2022. The petitioner further submitted that the deceased had rang to the 1st petitioner's wife, abused her, due to which, they had gone to the house of deceased and questioned the same, at that time, there was a wordy quarrel, the petitioner taken a wooden log available in the scene of occurrence, assaulted the deceased and caused injury. The fight was not premeditated one and after the wordy quarrel, it had taken place.



3. Learned Additional Public Prosecutor would submit that the defacto complainant is wife of Robinson, who was a driver and she earlier worked in a printing press along with Saranya, who is wife of 1st petitioner. Thereafter, the said Saranya had called her husband and informed about the illicit relationship, for which, wordy quarrel arose. The 1st petitioner along with his friend went to their house and assaulted the deceased with wooden log, thereby caused grievous injury to him and he succumbed to injury and died. Hence, he opposed for granting bail to the petitioners.

5. Taking into consideration of the above facts and also considering the fact that the fight and the attack arose between them is not pre-determined one and the wooden log, which was available at the scene of occurrence was used for the occurrence, this Court is inclined to grant bail to the petitioners subject to following conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvottiyur 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 petitioners shall report before the respondent police daily at 10.30 am for a period of four weeks.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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.

WEB COPY

-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 JUDICIAL MAGISTRATE,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE SUB INSPECTOR OF POLICE,
ENNORE POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges SR.NO. 7829

CRL OP.12389/2022

Date :25/05/2022

RW-26/05/2022