



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13433 of 2022

Palanisamy

..Petitioner

Vs.

State rep by
The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
(Crime No.219 of 2021)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.43 of 2022 on the file of Hon'ble Sessions Court, Mahalir Neethimandram, FTMC Tiruppur.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.04.2021 for the offence punishable under Sections 498(A), 294(b) and 302 of IPC in Crime No.219 of 2021 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the defacto complainant is the son of the petitioner. It is alleged that the petitioner and his wife had a wordy quarrel between them, during which he assaulted his wife with a deadly weapon (Aruval) due to which, she was died. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a sole accused. He had suspected his own wife's fidelity and attacked her with a deadly weapon (Aruval) on 12.04.2021 due to the wordy quarrel between them. Initially the case was registered for the offence under Sections 294(b) and 307 of IPC.



However, the deceased died and thereafter, the case was altered into offences under Sections 498(A), 294(b), 302 of IPC. However, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the occurrence had happened due to a wordy quarrel between the petitioner and his wife and he attacked his own wife with a weapon taken from the kitchen. That apart, now the respondent had completed the investigation and filed a final report and the same was taken cognizance in S.C.No.43 of 2022 on the file of the Sessions Court, Mahalir Neethimandran, (FTMC), Tiruppur. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 12.04.2021, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the Hon'ble Sessions Court, Mahalir Neethimandram, (FTMC), Tiruppur 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 Sessions Court, Mahalir Neethimandram, (FTMC), Tiruppur, daily Morning at 10.30 a.m. and Evening 5.00 p.m, until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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/-
10/06/2022

WEB COPY

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 SESSIONS COURT
MAHALIR NEETHIMANDRAM (FTMC) TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KANGAYAM POLICE STATION,
TIRUPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges SR.NO.8904

CRL OP.13433/2022

Date :10/06/2022

TA-13/06/2022