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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

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

Cr1.OP.No.13793 of 2022

C.Ezhumalai

..Petitioner/A1

Vs.

State rep. by,  
Inspector of Police,  
Mailam Police Station,  
Mailam,  
Villupuram District  
crime No.105 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.105 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Tamilselvan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.02.2022 for the offence punishable under Sections 302, 498(A) of IPC in crime No.105 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner is an alcoholic person and he used to harass the deceased, who is his wife, on suspecting her character. While being so, on 16.02.2022 at about 2.00 a.m., there was a quarrel and at that time, the deceased was murdered by the petitioner. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the respondent police filed charge sheet and the same has been taken cognizance in SC.No.108 of 2022 on the file of the Mahila Court, Villupuram. Hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that due to wordy quarrel, the petitioner attacked the deceased with aruval, thereby she sustained grievous injuries and died on the spot. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that due to wordy quarrel between the petitioner and his wife, under the influence of alcohol, the petitioner attacked the deceased with aruval on head. Now, charge sheet has been filed and the same has been taken cognizance in SC.No.108 of 2022 on the file of the Mahila Court, Villupuram.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-II at Tindivanam 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 trial court viz., Mahila Court, Villupuram daily at 10.30 a.m. and 05.30 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.

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-sd/-

15/06/2022

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, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
VILLUPURAM. [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, CUDDALORE.

4 THE INSPECTOR OF POLICE,  
MAILAM POLICE STATION,  
MAILAM, VILLUPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

6 THE MAHILA COURT,  
VILLUPURAM.

+1 CC to M/S G.TAMILSELVAN Advocate on payment of necessary charges SR.NO. 9081

CRL OP.13793/2022

Date :15/06/2022

RW-15/06/2022