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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

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

CrI.OP.No.14733 of 2022

Nagarjun

..Petitioner/sole accused

Vs.

State rep. by
The Sub Inspector of Police,
Podanur Police Station,
Coimbatore District
crime No.190 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.190 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.04.2022 for the offence punishable under Section 302 of IPC in crime No.190 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the deceased, who is the daughter of the defacto complainant, was married to the petitioner though they were of different caste, since they loved each other. Before the occurrence, the petitioner was suspecting his wife's character and beat her, which was informed by her to her parents. On the date of occurrence, the defacto complainant's relative called him and stated that his daughter was murdered in her house by the petitioner and the defacto complainant went to that place and saw her stabbed with knife. On enquiry, he came to know that she was murdered by her husband as he often suspected her character. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the occurrence took place on 03.04.2022. The deceased is the wife of the petitioner. He suspected the character of the deceased and assaulted the deceased. Further, he also stabbed her with knife, thereby she died on the spot. He would further submit that the investigation is almost completed and they are about to file final report.

5. The petitioner suspected his wife's fidelity and as such, he stabbed her. The petitioner was arrested and remanded to judicial custody on 03.04.2022 and the investigation is almost completed.

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 sureties, out of which one shall be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-VII, Coimbatore 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 stay at Ulundurpet and report before the Inspector of Police, Ulundurpet Police Station, Ulundurpet daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police 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/-
27/06/2022

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.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE SUB-INSPECTOR OF POLICE,
PODANUR POLICE STATION,
COIMBATORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
ULUNDURPET POLICE STATION,
ULUNDURPET.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO. 10034

CRL OP.14733/2022

Date :27/06/2022

RW-27/06/2022