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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

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

Cr1.OP.No.14850 of 2022

Subramani

..Petitioner/sole accused

Vs.

State by,
The Inspector of Police,
D-3, Ice House Police Station,
Chennai
crime No.445 of 2021

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.445 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Senthil Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.09.2021 for the offence punishable under Section 302 of IPC altered into Sections 498(A) & 302 of IPC in crime No.445 of 2021 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the defacto complainant's sister and the petitioner got married six years ago. While being so, the petitioner used to beat her on suspecting her character. On the occurrence day, the petitioner put grinding stone on her head. As such, she died on the spot. 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. He would further submit that the respondent completed investigation and filed final report and the same has been taken cognizance in SC.No.90 of 2022 on the file of the Mahila Court, Allikulam, Chennai. Hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is the single accused and he is the husband of the deceased. On the occurrence day, on suspecting the character of the deceased, the petitioner put grinding stone on her head, thereby she died on the spot. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner was arrested and remanded to judicial custody on 17.09.2021. The respondent completed investigation and filed final report and the same has been taken cognizance in SC.No.90 of 2022 on the file of the Mahila Court, Allikulam, Chennai.

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 Mahila Court, Allikulam, Chennai 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, Allikulam, Chennai 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/-

28/06/2022

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 MAHILA COURT,
ALLIKULAM, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON-2, PUZHAL,
CHENNAI.

3 INSPECTOR OF POLICE,
D3, ICE HOUSE POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SENTHIL KUMAR Advocate on payment of necessary charges SR.NO. 10158

CRL OP.14850/2022

Date :28/06/2022

RW-29/06/2022