



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

Crl.OP.No.15440 of 2022

Sivaraj

..Petitioner/ accused

Vs.

State rep.by its
The Inspector of Police,
Veeraganur Police Station,
Salem District
crime No.38 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.38 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Anabayachozhan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.04.2022 for the offence punishable under Section 174 of Cr.P.C. altered into Sections 302, 201 of IPC in crime No.38 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the dead body of one, Selvarani floating in a agriculture well water and the case was registered under Section 174 of Cr.P.C.

3. The learned counsel for the petitioner would submit that the deceased is the second wife of her husband, and the petitioner is a relative of the deceased. Both belong to same village and the petitioner does not have any motive against the deceased. However, a false case has been registered against the petitioner. Hence, he prays for grant of bail to the petitioner.



4. The Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is the single accused and he is a close relative to the deceased. He would further submit that the husband of the deceased refused to give share to the petitioner's wife and in respect of the same, on the date of occurrence, this petitioner attacked the deceased with wooden log and after tying stone on her, he threw her body in the well. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration, 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-I, Attur 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 Thirukazhukundram and report before the Inspector of Police, Thirukazhukundram Police Station, Thirukazhukundram 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/-

05/07/2022

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-I,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VEERAGANUR POLICE STATION,
SALEM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, ATTUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.G.ANABAYACHOZHAN Advocate on payment of necessary charges SR.No.10670

CRL OP.15440/2022

Date :05/07/2022

CSK 05/07/2022