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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

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

Cr1.OP.No.15119 of 2022

Manikandan.V

..Petitioner/ accused

Vs.

State rep.by
The Inspector of Police,
Thiruvalam Police Station,
Vellore District
crime No.180 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.180 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Kumaraguru

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.06.2022 for the offence punishable under Sections 294(b), 323 and 306 of IPC and 4(B)2 of Women Harassment Act in crime No.180 of 2022 on the file of the respondent police, seeks bail.

2. On 29.04.2022 at 6.00 p.m., the petitioner and the deceased had a quarrel, at that time the petitioner assaulted her and dashed her head on the house wall and while on the way to the hospital in the petitioner's vehicle, again they quarrelled and met with accident, due to which she sustained head injuries and thereafter, she was taken to CMC Hospital, from there she was shifted to Apollo Hospital, Vangaram and then to Government Rajin Gandhi Hospital, Chennai. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner had quarrel with his wife and assaulted her. Therefore, she sustained injury. Immediately, she was taken to hospital by the petitioner and had given treatment. After discharging her wife, she was taken by the petitioner in his two wheeler along with one year old baby. Unfortunately, he applied sudden break due to passer-by and the deceased fell down and sustained head injury and died. Therefore, no offence is made out under Section 306 of IPC as alleged by the prosecution as if the deceased while riding in a motorcyle, she herself jumped from the motorcycle and committed suicide.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is the single accused. The petitioner attacked her and hit her on the wall, thereby she sustained injury. Thereafter, she was taken by the petitioner to the hospital in his two wheeler and when they were going, suddenly she jumped from the two wheeler and sustained head injury and died. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, 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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Katpadi 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 respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[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/-

04/07/2022

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,
KATPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
THIRUVALAM POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.KUMARAGURU Advocate on payment of necessary
charges SR.No.10534

CRL OP.15119/2022

Date :04/07/2022

CSK 05/07/2022