



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

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

Cr1.OP.No.15599 of 2022

Kaliamoorthy

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Thirubhuvanai Police Station,
Puducherry District.
(Cr.No.58/2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.58 of 2022 on the file of the respondent police.

For Petitioner : Mr.P.Anbalagan

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.05.2022 for the offence under Section 302 of IPC in Crime No.58 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased are husband and wife and it is alleged that due to family dispute, the petitioner murdered his wife by strangulating her neck using a towel. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner was arrested and remanded to judicial custody on 06.05.2022 and hence, he prayed to grant bail to the petitioner.

4. The learned Public Prosecutor (Pondy) appearing for respondent submitted that the petitioner is the husband of the deceased wife and due to word quarrel between them, the petitioner strangulated his



wife due to which, she died. Now the entire investigation is completed and filed the charge sheet. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing on either side and the period of incarceration by the petitioner from the date of his arrest viz., 06.05.2022, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, 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 IV, Puducherry, 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 twice at 10.30 a.m., and 5.30 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.

-sd/-
06/07/2022

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.



1 THE JUDICIAL MAGISTRATE-IV,
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUBHUVANAI POLICE STATION,
PUDUCHERRY DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PONDICHERRY.

5 THE PUBLIC PROSECUTOR
PUDUCHERRY

+1CC to M/S.P.ANBALAGAN
charges SR.No.10852

Advocate on payment of necessary

CRL OP.15599/2022

Date :06/07/2022

CSK 07/07/2022