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CrI.O.P.No.16012 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

CrI.O.P.No.16012 of 2022

Sekar

... Petitioner

Vs.

State rep by
The Inspector of Police,
Sankari Police Station,
Salem.
(Cr.No.142 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.142 of 2022 on the file of the respondent police.

For Petitioner : Mr.N.R.Elango, Senior Counsel
for Mr.S. Agilesh Kumar

For Respondent :Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner/sole accused, who was arrested and remanded to judicial custody on 17.04.2022 for the offence punishable under **Section 307 IPC altered to 302 IPC**, in Crime No.142 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.04.2022, the petitioner poured kerosene on his wife and set her ablaze, resulting in the registration of the case.

3.The learned counsel for the petitioner would submit that this is the third bail petition filed by the petitioner and earlier, this Court had dismissed the two bail petitions in Crl.O.P No.11031 of 2022 dated 11.05.2022, and Crl.O.P No.13299 of 2022 dated 17.06.2022. He would further submit that the deceased committed suicide by self-immolation and the dying declaration was not attested by the Doctor, who treated her and the same was also not recorded by the Magistrate concerned. He



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would further submit that the petitioner has been in judicial custody for more than 88 days. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that this is not the case of suicide as projected by the learned counsel for the petitioner and the deceased at the earliest point of time, has stated to the Investigation Officer that the petitioner was having illicit intimacy with another lady and when the deceased questioned the same, the petitioner poured kerosene on her and set fire. He would further submit that major part of the investigation is over and so far, 9 witnesses have been examined in this case. However, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and taking note of the fact that major part of investigation is over and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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(a) Accordingly, the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Sankagiri.**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police once in a week i.e., on every Monday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

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(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Index: Yes/No
Internet: Yes/No
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To

1. The Judicial Magistrate No.I,
Sankagiri
2. The Inspector of Police,
Sankari Police Station,
Salem.
3. The Central Prison
Salem.
4. The Public Prosecutor,
High Court, Madras.



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A.A.NAKKIRAN.,J.

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