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Crl.OP.No.19575 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2022

CORAM

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

Crl.OP.No.19575 of 2022

Keerthiraj

...Petitioner

Vs.

State Rep. by:
The Inspector of Police,
Sooramangalam Police Station,
Salem District.
(Crime No.386 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.386 of 2022 on the
file of the Inspector of Police, Sooramangalam Police Station, Salem
District.

For Petitioner	:Mr.S.P.Yuvaraj
For Respondent	:Mr.A.Gopinath Govt. Advocate (Crl.Side)
For Intervenor	: Mr.E.Sathyaraj



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.06.2022 for the offences punishable under Sections **174(3) of Cr.P.C altered to Sections 302 of IPC** in Crime No. 386 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that, there was a dispute between the petitioner/husband and the deceased/wife. During the course of the married life, the petitioner used to beat the deceased. It is alleged that on 04.06.2022, the petitioner had beaten the deceased on her right ear, due to which, ear drum of the deceased was damaged. It is further alleged that, on 11.06.2022, the petitioner had attacked the deceased with cricket bat, due to which, the deceased sustained severe blood injury in her ear and also caused fracture on her left leg and subsequently she died and lost her life. Hence, the case

3.The learned counsel appearing for the petitioner submitted



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that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent vehemently opposed for granting bail to the petitioner stating that the petitioner along with his family members brutally attacked the deceased using cricket bat by demanding more dowry, hence the deceased died and lost her life. He further submitted that already this Court dismissed the petitioner's bail petition in Crl.O.P.No.17138 of 2022 dated 22.07.2022.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of arrest i.e., 11.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail



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on his executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, No.II, Salem**, 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 twice daily 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.**



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.08.2022

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To

- 1.The Judicial Magistrate No.II,
Salem.
- 2.The Inspector of Police,
Sooramangalam Police Station,
Salem District.
3. Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN,J.

Sma

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