



Crl.O.P.No.22075 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22075 of 2022

D.Chellakkannu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Marakkanam Police Station,
Marakkanam,
Villupuram District.
Crime No.253 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail and release him in Crime No.253 of
2022 on the file of the respondent police.

For Petitioner : Mr.G.Tamilselvan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.07.2022 for the offences punishable under Section 174 of Cr.P.C., and Sections 201 and 302 of IPC, in Crime No.253 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of the deceased not settling the properties in favour of the petitioner, the petitioner had committed murder by pouring kerosene and setting her on fire. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a senior citizen aged about 65 years and his wife had committed suicide due to matrimonial dispute. Whereas, the defacto complainant, who is the brother-in-law of the petitioner, in order to wreck vengeance, had given a false complaint as if the petitioner had committed murder. He would also submit that the petitioner was arrested on 07.07.2022



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and he is in custody for the past 69 days. He would further submit that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner, who is the husband of the deceased, on account of the disputes in settling the properties in his favour, had poured kerosene on his wife and immolished her, due to which she sustained burn injuries and died on the same day. He would further submit that there is no dying declaration in this case. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing 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.2, Tindivanam** 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 Chennai and report before the Inspector of Police, B2, Esplanade Police Station, Chennai daily at 10.30 a.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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

13.09.2022

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To

1. The Judicial Magistrate No.2,
Tindivanam.
2. The Inspector of Police,
Marakkanam Police Station,
Marakkanam,
Villupuram District.
3. The Inspector of Police,
B2, Esplanade Police Station,
Chennai.
4. The Superintendent,
Central Prison,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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