



Crl.O.P.No.21983 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

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

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Sundaram

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
Crime No.149 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.149 of 2022 on the file
of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

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 18.06.2022 for the offences punishable under Sections 448, 294(b), 341, 324 & 302 of IPC, in Crime No.149 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the husband of the deceased, along with his brother committed the murder of his wife by assaulting her with iron rods, on account of her illicit intimacy with the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the allegations as against the petitioner is that on account of illicit intimacy of his wife, he committed murder of his wife by assaulting her with iron rods. He would also submit that the petitioner is in custody from 18.06.2022. 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's wife was having intimacy with the defacto complainant and she was living separately and that on the faithful



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day, the petitioner along with his brothers, who are A2 and A3 in this case, had gone to the place of occurrence and they had quarreled with the deceased and thereafter, assaulted her with iron rods in her head and neck, resulting in her sustaining injuries. Therefore, a case was registered for the offence punishable under Section 307 of IPC and she died on 22.06.2022, due to succumbed to injuries and thereafter, the case has been altered to offence punishable under Section 302 of IPC. He would further submit that the investigation in this case is pending. Therefore, 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.

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**



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thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Mettur** 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 Madurai and report before the Inspector of Police, Thallakulam Police Station, Madurai daily at 10.30 a.m., and 05.30 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]**;



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

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To

1. The Judicial Magistrate No.2,
Mettur.
2. The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
3. The Inspector of Police,
Thallakulam Police Station,
Madurai
4. The Superintendent,
Central Prison,
Salem.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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