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Crl.O.P.No.22314 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

CORAM

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

Crl.O.P.No.22314 of 2022

S.Nagan

..Petitioner

Vs.

The State rep.by

Inspector of Police,M-4, Red Hills Police Station,
Thiruvallur District.

(Crime No. 425 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.425 of 2022 on the file of the respondent police.

For Petitioner	: Mr.M.Sathish Kumar
For Respondent	: Mr.S.Santhosh, Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.06.2022 for the alleged offence punishable under **Sections 174 (iii) Cr.P.C altered to Section 302 of IPC** in Crime No. 425 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner is aged about 65 years and the deceased was working as a maid in the petitioner's house. On 23.06.2022, when the deceased came to works, the petitioner had quarrelled with the deceased and it is further alleged that the petitioner had assaulted the deceased and strangled her to death and thereby hanged the body of the deceased in a drumstick tree. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner is owner and the deceased is the servant, they had illicit relationship and therefore, there was quarrelled between them, due to which she had suicide. However, the petitioner was arrested and remanded to judicial custody on 29.06.2022. Hence, he vehemently opposed to grant bail to the Petitioner.



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5. Considering the above facts and circumstances of the case and taking note of the fact that the age of the petitioner and also period of incarceration i.e the date of arrest on 29.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail, before the learned Judicial Magistrate-II, Ponneri on condition that the petitioner shall execute 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 respondent police failing which, the petition for bail shall stand dismissed and on further condition 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 Morning at 10.30 a.m and Evening at 5.30 p.m for a period of four weeks and thereafter as and when required for interrogation.

[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



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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.

16.09.2022

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To

- 1.The Judicial Magistrate-II, Ponneri.
2. The Inspector of Police,M-4,
Red Hills Police Station,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.Central Prison,
Puzhal.



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G.K.ILANTHIRAIYAN, J.

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