



Crl.O.P.No.23274 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

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

Crl.O.P.No.23274 of 2022

Pazhani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
Crime No.288 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.288 of 2022 on the file
of the respondent police.

For Petitioner : Mr.K.Shanmugam

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 12.08.2022 for the offences punishable under Section 307 of IPC @ 302 of IPC, in Crime No.288 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner suspecting his wife, had taken her to the terrace at her place of employment and pushed her resulting in which, she fell down and sustained injuries in the head and succumbed to injuries on the next day. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim hail from the poor background and there was a quarrel with the victim, who was standing in the parapet wall and during the quarrel, she slipped and fell down resulting in her sustaining injuries in the head and unfortunately, she succumbed to injuries on the next day. He would also submit that there was no intention on the part of the



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petitioner to commit murder of his wife or push her, whereas it was only an accident. 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 is the husband of the victim and the petitioner, suspecting his wife, had gone to her place of employment and taken her to the terrace and there was a quarrel, during which, he pushed her from the terrace, resulting in her falling down and sustaining injuries and succumbed to injuries on the next day. 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 fact that the incident had happened during the quarrel, 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 XVII Metropolitan Magistrate, Saidapet**, 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 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



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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.

26.09.2022

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To

1. The XVII Metropolitan Magistrate, Saidapet.
2. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
3. The Superintendent,
Central Prison-II,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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