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Crl.O.P.No.25528 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.O.P.No.25528 of 2022

N.Suresh

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore District.
(Crime No.272 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in connection with Crime No.272 of
2022 on the file of the respondent Police.

For Petitioner : Mr.P.Kalimuthu

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 16.08.2022, for the offences punishable under Section 302 of IPC, in Crime No.272 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, due to matrimonial dispute, had committed murder of his wife by stabbing her with knife. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the husband of the deceased and the marriage between the petitioner and the deceased was solemnized 12 years ago and they have two children. He would also submit that it was a love marriage and later, the wife/deceased had left the matrimonial home and gone to the house of her mother and thereby, the petitioner had gone there to bring her back to the his house and thereby, there was a quarrel and during such time, the incident had happened. He would further submit that the intention of the petitioner is only



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to bring his wife back to the matrimonial home and the incident had happened due to provocation and there was no intention on the part of the petitioner to commit the murder of the deceased. He would also state that there are two children and the petitioner has to take care of them. He would further state that the petitioner is in custody from 16.08.2022. 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 during a matrimonial dispute, had committed the murder of his wife by stabbing her with knife. He would also submit that there is only a single stab on the victim and she was taken to the hospital and declared brought dead. Therefore, he vehemently opposed to grant bail to the petitioner.

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



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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 Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Mettupalayam**, 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



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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]**;

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

19.10.2022

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To

1. The Judicial Magistrate,
Mettupalayam.
2. The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore District.
3. The Central Jail, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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