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CrI.O.P.No.26163 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

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

CrI.O.P.No.26163 of 2022

M.Arumugam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J-11, Kannagi Nagar Police Station,
Chennai - 600 097.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation of the case in
S.C.No.165 of 2022 on the file of the learned Session Judge, Mahila Court,
Chengalpattu.

For Petitioner : Mr.Charles Kamalesh M.Appaji

For Respondent : Mr.C.E.Pratap

Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.12.2021 pending investigation in S.C.No.165 of 2022 on the file of the learned Session Judge, Mahila Court, Chengalpattu.

2. The case of the prosecution is that, during a wordy quarrel, the petitioner had committed the murder of his wife. Hence, the case.

3. The learned counsel for the petitioner would submit that the incident had happened in a fit of rage when there was a quarrel between the petitioner and his wife and there is no intention on the part of the petitioner to commit the murder of his own wife. He would further submit that the weapon alleged to be used is a kitchen knife. He also submits that the petitioner has been suffering incarceration from 25.12.2021. He would further submit that investigation in this case has been completed and the trial is now pending in S.C.No.165 of 2022 on the file of the learned Sessions Judge, Mahila Court, Chengalpattu. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Government Advocate(Crl. Side) would submit that the petitioner had committed the murder of his wife in a brutal manner. He would further submit that investigation has been completed and charge sheet also filed and the same been pending trial in S.C.No.165 of 2022. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel and also considering the fact that the petitioner except on 25.12.2021, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each for a like sum to the satisfaction of the **learned Session Judge, Mahila Court, Chengalpattu**, and on further conditions that:



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[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 learned Session Judge, Mahila Court, Chengalpattu on all working days, at 10.30 a.m., for a period of two weeks and thereafter on the dates fixed by the learned trial Judge.

[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]*;

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

28.10.2022

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To

1. The Session Judge, Mahila Court,
Chengalpattu.
2. The Inspector of Police,
J-11, Kanagi Nagar Police Station,
Chennai - 600 097.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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