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Crl.O.P.No.27683 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

Crl.O.P.No.27683 of 2022

Arputharaj

... Petitioner

Vs.

State represented by,
The Station House Officer,
Vridhachalam Police Station,
Vridhachalam,
Cuddalore District.

(Crime No.788 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 the Crime No.788
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.27683 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.08.2022 for the alleged offences punishable under Sections 294(b), 323 & 302 of IPC, in Crime No.788 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Latha, is that her daughter/deceased and the accused/petitioner loved each other and got married. Since the petitioner was having several debts, there were a frequent quarrel between the petitioner and the deceased, due to which, on 25.08.2022, the petitioner had committed murder of the de-facto complainant's daughter by strangulating her neck. Hence the case.

3. The learned counsel appearing for the petitioner would submit that this is the second bail application before this Court and earlier bail petition in Crl.O.P.No.24815 of 2022 dated 13.10.2022 was dismissed as withdrawn. He would further submit that the petitioner, who is aged about 19 years, is an innocent person and a false complaint has been given against him, since the marriage between the petitioner and the victim was a love marriage and the de-



Crl.O.P.No.27683 of 2022

facto complainant was antagonised over him. He would further submit that even as per the First Information Report, there is no eye witness to the occurrence and the petitioner was arrested only based on suspicion. He would also state that the petitioner was arrested on 26.08.2022 and he is in custody for more than two months and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the husband of the deceased and on account of the financial dispute, he had committed murder of his wife by strangulating her neck and dashed her against the wall. He would also submit that the deceased was pregnant at the time of the incident. He would also state that the major part of the investigation is over and he would vehemently oppose for grant of bail to the petitioner.

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



Crl.O.P.No.27683 of 2022

WEB COPY

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone 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 No.I, Vridhachalam** 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, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



WEB COPY



CrI.O.P.No.27683 of 2022

[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.

11.11.2022

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To

1. The Judicial Magistrate No.I,
Vridhachalam.
2. The Station House Officer,
Vridhachalam Police Station,
Cuddalore District.
3. The Central Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.27683 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.27683 of 2022

11.11.2022