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Crl.O.P.No.27539 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.27539 of 2022

Pandiyan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.

(Crime No.377 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.377
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Nalliyappan

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 13.10.2022 for the alleged offences punishable under Sections 294(b), 323, 324, 506(ii) & 307 of IPC, in Crime No.377 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 13.10.2022, due to a matrimonial dispute, the petitioner has abused his wife/de-facto complainant in a filthy language and stabbed his wife with knife on her left chest, causing grievous injury. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is none other than the husband of the de-facto complainant/victim. He would further submit that due to the matrimonial dispute between the petitioner and the victim, the victim had gone to her paternal home and the petitioner in order to bring back her to his home went there and during such time, there was a quarrel between them and during the quarrel, the incident had happened. He would also



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submit that the petitioner did not have any intention or motive to hurt her and the incident had happened only during the quarrel. He would further submit that the petitioner and the victim have two children and the petitioner is willing to rejoin with his wife/victim and also submit that the petitioner is in custody from 13.10.2022 and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that due to the matrimonial dispute, the petitioner had stabbed his wife with knife and caused grievous injury on her. He would also submit that the injured has been discharged from the hospital on 23.10.2022. However, he would 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.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and



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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, Kallakurichi** 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 stay at Madurai and report before the Inspector of Police, Tallakulam Police Station, everyday at 10.30 a.m., for a period of four weeks and thereafter, 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;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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,
Kallakurichi District.
2. The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
3. The Sub Jail,
Kallakurichi.
4. The Inspector of Police,
Tallakulam Police Station,
Madurai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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