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Crl.O.P.No.6732 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HON'BLE MRS. JUSTICE **T.V.THAMILSELVI**

Crl.O.P.No.6732 of 2023

Thennarasu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-9, Villivakkam All Women Police Station,
Chennai.
(Crime No.3 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.3 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.A.Venkatesan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 11.02.2023, for the offences punishable under Sections 498A,
506(ii) @ 307 of IPC, in Crime No.3 of 2023 on the file of the respondent



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police, seeks bail.

2. The case of the prosecution is that the petitioner mixed poison in the cough syrup and gave the same to his wife who is the defacto complainant with an intention to kill her and the child in the womb. Hence, the complaint.

3. Learned Counsel for the petitioner submitted that there was a matrimonial dispute between the petitioner and the defacto complainant, due to which a complaint was registered. He further submitted that the petitioner is in custody from 11.02.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner mixed poison in the cough syrup and gave the same to his wife who is the defacto complainant with an intention to kill her. He further submitted the victim has been discharged from the hospital and also submitted that the investigation is also completed.



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Hence, he opposed 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 entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also a fact that the investigation is completed and the victim also discharged from the hospital and considering the period of incarceration undergone by the petitioner, 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)** with **two sureties** (one surety must be a blood related surety), for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Madhavaram**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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., for a period of two months; and do not harass the victim / wife at any point of view;

[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.

28.03.2023

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To



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1. The District Munsif cum Judicial Magistrate Court,
Madhavaram.
2. The Inspector of Police,
W-9, Villivakkam All Women Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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