



WEB COPY



Crl.O.P.No.6527 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.No.6527 of 2023

Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Uthukuli Police Station,
Tiruppur.

(Crime No.31 of 2023).

... 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.31
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

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



WEB COPY



Crl.O.P.No.6527 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.01.2023 for the offences under Sections 294(b), 307, 302 of IPC, in Crime No.31 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant/ Madevi, is that her daughter was given in marriage to one Manikandan/Accused, 10 years ago and the accused used to suspect the fidelity of her daughter and harassed her. While being so, on 28.01.2023, the accused had quarreled with the de-facto complainant's daughter and during which, he committed murder of her daughter by stabbing with knife and also assaulted the de-facto complainant, causing injuries on her shoulder. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the deceased is the wife of the petitioner and she was having an illicit relationship with another person and despite the warning



Crl.O.P.No.6527 of 2023

given by the petitioner, she had continued her relationship, therefore, there was a quarrel between them, during which, the incident had happened. He also submitted that there is no intention on the part of the petitioner to commit murder of his wife and the incident had happened only at the spur of the moment. He further submitted that the petitioner is in custody from 29.01.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, on suspecting the fidelity of his wife/victim, had committed murder of her, by stabbing her with knife. He further submitted that the petitioner had also assaulted the mother of the victim, causing injuries. He further submitted that the investigation is still pending, 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) and perused the materials available on record.



Crl.O.P.No.6527 of 2023

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and taking note of 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Uthukuli**, 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 Chennai and report before the Inspector of Police, C1, Flower Bazaar Police Station, 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;



Crl.O.P.No.6527 of 2023

[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.

23.03.2023

ham

To

1. The Judicial Magistrate ,
Uthukuli.
- 2.The Inspector of Police,
Uthukuli Police Station,
Tiruppur.
3. The Central Prison,
Coimbatore.
4. The Inspector of Police,
C-1 Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6527 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.6527 of 2023

23.03.2023