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Crl.O.P.No.7613 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

Crl.O.P.No.7613 of 2023

Karthik

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Bagayam Police Station,
Vellore District.

(Crime No.33 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.33 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.R.Thangavel

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 27.01.2023, in connection with Crime No.33 of 2023 registered under Section 174(i) Cr.P.C. and later, altered for the offences punishable under Section 302 of IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant one Yakandeeshwara Rao, who is a Village Administrative Officer, is that on 27.01.2023, he received an information that near Balamathi Village, an unknown female dead body was found with physical injury on head. Based on his complaint originally a case in Crime No.33 of 2023 was registered under Section 174(i) Cr.P.C. During the course of investigation, it came to light that the deceased and the accused had a love affair through Instagram and they got married and later, there was a quarrel between them, during which, the accused has assaulted her with beer bottle on her head, resulting in her death and therefore, the offence has been altered to one under Section 302 IPC. Hence the case.



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and the petitioner is a love marriage, they had some misunderstanding, thereby, on the fateful day, the petitioner in an inebriated condition had assaulted his wife with beer bottle on her head and caused her to death and in order to screen the corpse, the petitioner had disposed the same in the reserved forest. He also submitted that there are enough materials to prove that the petitioner is the accused in this case, who had committed murder of his wife. He further submitted that major part of the investigation is over, however, he vehemently opposed to grant 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 circumstances of the case and the submissions made by the learned counsel on either side and taking note of the fact that major part of the investigation is over and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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, Vellore**, 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 Chengalpattu and report before the Inspector of Police, Chengalpattu 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;

[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



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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.

06.04.2023

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To

1. The Judicial Magistrate-I,
Vellore.
2. The Inspector of Police,
Bagayam Police Station,
Vellore District.
3. The Vellore Central Prison,
Thorapadi.
4. The Inspector of Police,
Chengalpattu Police Station,
Chengalpattu District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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