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Crl.O.P.No.9212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9212 of 2023

Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai District.

(Crime No.80 of 2023).

... 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.80
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Silambuselvan

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 11.03.2023, for the offences punishable under Section 302 of IPC, in Crime No.80 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused on suspecting the fidelity of his wife, had committed murder of her by strangulating her neck with nylon rope. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is the husband of the victim/deceased and they were having two sons and one daughter, in which one of the sons is mentally retarded, who was taking care of by the petitioner. He further submitted that there was a frequent quarrel between the petitioner and the victim, since the petitioner suspected the fidelity of the victim, while so, on 10.03.2023, there was 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



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moment. He further submitted that the petitioner is in custody from 11.03.2023 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 strangulating her neck with rope. 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.

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



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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 District Munsif cum Judicial Magistrate, Kalasapakkam**, 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;

[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]*;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

26.04.2023

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To

1. The District Munsif cum Judicial Magistrate,
Kalasapakkam.
2. The Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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