



Crl.O.P.No.10820 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10820 of 2023

Ramachandran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Perundurai Police Station,
Erode District.

(Crime No.173 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in Crime No.173 of 2023,
pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Sarath Chandran

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.03.2023, for the offence punishable under Section 302 of IPC, in connection with Crime No.173 of 2023, registered on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, who is the father of the victim/deceased, is that the marriage between the petitioner and the victim/deceased was solemnised in the year 2009 and they are having two children. There was a frequent quarrel between the petitioner and the victim/deceased, since the petitioner has mortgaged the jewels of the victim/deceased. While so, on 11.03.2023, the defacto complainant found that her daughter was lying dead with grievous injuries and later, it came to light that the petitioner has murdered her daughter by stabbing her with knife. Hence the case.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he is none other than the husband of



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the victim/deceased. He would further admit that there was a frequent quarrel between the petitioner and the defacto complainant's daughter, whereas, there is no intention on the part of the petitioner to commit the murder of his wife. He would further submit that the petitioner was not present at the scene of occurrence and due to the matrimonial dispute, the father of the victim/deceased has given a false complaint against the petitioner. He would further submit that since the petitioner is in judicial custody from 11.03.2023, there is no one to take care of his children and on considering the welfare of the petitioner's children, the learned counsel for the petitioner prayed for grant of bail to the petitioner.

4.Learned learned Additional Public Prosecutor appearing for the respondent would submit that due to matrimonial dispute, the petitioner has murdered his wife by stabbing her with knife. He would further submit that the investigation is still pending and hence, he opposed for grant of bail to the petitioner.

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



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considering that the petitioner is in custody from 11.03.2023, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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, Perundurai**, 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, daily 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



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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.

11.05.2023

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To

1. The Judicial Magistrate, Perundurai.
2. The Inspector of Police,
Perundurai Police Station,
Erode District.
3. The Central Jail,
Coimbatore.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J

vkr

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