



Crl.O.P.No.11297 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11297 of 2023

Settu

... Petitioner

Vs.

State by
Inspector of Police,
Arcot Town Police Station,
Ranipet District.
(Crime No.88 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in pending investigation in Crime No.88
of 2023 on the file of the respondent police.

For Petitioner : M/s.S.P.Arthi

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
14.03.2023, for the offences punishable under Section 302 of IPC in Crime
No.88 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner and the deceased are husband and wife. When the deceased questioned the illegal intimacy of the petitioner, there arose a wordy quarrel between them, as a result, the petitioner put the pillow on the face of the deceased/wife, due to which, she died. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against the petitioner. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody for the past 65 days. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to illegal intimacy of the petitioner, there arose a wordy quarrel between them, as a result, the petitioner put the pillow on the face of the deceased/wife and she died. Hence, he opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 65 days



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and three witnesses have been examined, 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.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Arcot** 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 weekly once i.e., on every Monday at 10.00 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



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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.

18.05.2023

Lpp/mn

To

1. The Judicial Magistrate,
Arcot.
2. The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

Lpp/mn

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