



Crl.O.P.No.13564 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

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

Crl.O.P.No.13564 of 2023

Premkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police (L& O),
H-5, New Washermenpet Police Station,
New Washermenpet,
Chennai - 600 081.

(Crime No.145 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner in Crime No.145 of 2023 pending
investigation on the file of respondent Police.

For Petitioner : Mr.P.Syed Abdul Mashood

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 26.03.2023, for the offence punishable under Section 302 of IPC, in connection with Crime No.145 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution as per the de facto complainant/Amsa is that her daughter/victim had married the accused/petitioner against her wishes in 2007 and they have no children. Meanwhile, the deceased/victim suffered from kidney ailments and also with breast cancer, whereas, the accused used to quarrel with the de-facto complainant's daughter in an inebriated condition. While so, on 21.03.2023, during quarrel, the accused in an inebriated condition, had dashed the victim's head against the wall, due to which, she sustained injury on her head. Thereafter, the de-facto complainant had admitted the victim to the hospital and later, the victim died on 26.03.2023, without responding to the treatment. Hence the case.



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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 petitioner is none other than the husband of the deceased/victim. He further submitted that the petitioner had married the deceased/victim in the year of 2007 against the wishes of the de-facto complainant and they have no children. He also submitted that the deceased/victim suffered from kidney ailments and also with breast cancer. He further submitted that on 21.03.2023, the deceased/victim had fallen down, due to which, she died, whereas, the de-facto complainant, who was antagonized with the petitioner, had given a false complaint against the petitioner. He also submitted that the petitioner has no intention or motive to commit murder of his wife and he further submitted that the petitioner is in custody from 26.03.2023. He further submitted that the petitioner is also 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 it is the case, where, the petitioner/accused



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in an inebriated condition, had committed murder of his own wife during the quarrel, by dashing her against the wall. He also submitted that the major part of the investigation in this case is over, however, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire 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 condition.

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 Principal District Judge, Chennai**, and on further conditions that:



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[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 06.30 p.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]*;

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

20.06.2023

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Principal District Judge,
Chennai.
2. The Inspector of Police (L& O),
H-5, New Washermenpet Police Station,
New Washermenpet,
Chennai - 600 081.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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