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CrI.OP.No.14304 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.14304 of 2023

Sankar

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Thirukalukundram Police Station,
Chengalpattu District.
Cr.No.594 of 2022

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail pending investigation in Crime
No.594 of 2022 on the file of respondent Police.

For Petitioner : Mr.G.Mageshkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.10.2022 for the offence punishable under Section 302 I.P.C in Crime No.594 of 2022 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is charged for the commission of murder of his wife. The allegations against him are not true. He is in judicial custody from 24.10.2022. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that there is a matrimonial dispute between the deceased and petitioner. They were living separate. Petitioner used to visit house of the deceased to see his children. On 22.10.2022, it is alleged that petitioner had strangled the deceased and caused death. The investigation is completed, final report is filed. The case is now pending before learned Sessions Judge, Mahila Court, Chengalpattu, in S.C.No.38 of 2023. Eye witness had been examined.



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4.Considered the rival submissions and perused the records.

5.Considering the facts and circumstances of the case and also the fact that the trial had been commenced and the material witness had been examined and that the petitioner is in judicial custody from 24.10.2022, this Court is inclined to grant bail to the petitioner with 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 Sessions Judge, Mahila Court, Chengalpattu**, 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 learned Sessions Judge, Mahila Court, Chengalpattu, daily at



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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].

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

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To

- 1.The Sessions Judge, Mahila Court, Chengalpattu,
- 2.The Inspector of Police,
Thirukalukundram Police Station,
Chengalpattu District.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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