



Crl.O.P.No.17849 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

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

Crl.O.P.No.17849 of 2023

Vadivelu

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Vellavedu Police Station,
Thiruvallur.
Crime No.320 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.320 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.05.2023 for the offences punishable under Sections 174 of Cr.P.C @ 302 of IPC in Crime No.320 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent and he has been falsely implicated in a case originally registered for the offences under Section 174 of Cr.P.C., subsequently altered into Section 302 of IPC in Crime No.320 of 2023. Petitioner is in judicial custody from 27.05.2023. Thus, he seeks bail.

3. In reply, the learned Additional Public Prosecutor submitted that, deceased is the wife of the petitioner. Petitioner borrowed money from his son-in-law, but he did not repay the amount. Therefore, there was a quarrel between the petitioner and the deceased. On 26.05.2023 at about 00.30.a.m., petitioner under the influence of alcohol, strangled the deceased. Then, the deceased was taken to the hospital, where she was declared dead on her arrival. In support of his submission, he



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produced the post-mortem certificate of the deceased.

4. The reading of the FIR allegations shows that, on 26.05.2023 at about 00.30 hrs, there was a wordy quarrel followed by physical assault by the petitioner against the deceased. Then the deceased was taken to the hospital and she was declared dead. Thus, this Court finds that, there is no reference about the petitioner strangulating the deceased in the FIR. It is submitted that, only through the confessional statement of the accused/petitioner, Investigating Authority knew about the strangulation of the deceased by the petitioner.

5. Be that as it may, it appears that, in a dispute in connection with repayment of loan amount to the son-in-law of the petitioner, there was a fight, which resulted in death of the deceased. Petitioner is in judicial custody from 27.05.2023 and that substantial part of the investigation might have been over by this time. Thus, this Court is inclined to grant bail to the petitioner.



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6. Accordingly, 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 No.II, Poonamallee** 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.



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[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.

09.08.2023

sma

To

1. Judicial Magistrate No.II
Poonamallee.
2. Central Prison II,
Puzhal.
3. The Inspector of Police,
Vellavedu Police Station,
Thiruvallur.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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