



CrI.OP.No.22877 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.22877 of 2023

Silambarasan

...Petitioner

Vs.

The State rep. by
The Station House Officer,
Killai Police Station,
Cuddalore District.
(Crime No.87 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in P.R.C.No.23 of 2023 pending on the file Judicial Magistrate Court-II, Chidambaram.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2023 for the offence punishable under Sections 302, 316, 498(A) of IPC read with Section 4 of Dowry Prohibition Act in Crime No.87 of 2023 on the file of the respondent police, seeks bail.

2.The petitioner is the 1st accused in Crime No.87 of 2023, since final report had been filed, it is now pending in PRC.No.23 of 2023 on the file of the Judicial Magistrate Court – II, Chidambaram. The matter has to be committed. The 2nd accused is the mother of the petitioner herein. Both the accused are alleged to have committed the murder of the wife of the present petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated with ulterior motive. Hence, he seeks for grant of bail to the petitioner.

4.On the side of the respondent, it is stated that the deceased was pregnant for about six months and she was murdered by both A1 and A2. It is contended that final report had been filed. Hence, he vehemently opposed for grant of bail to the petitioner.



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5.However, since investigation has been completed and now the onus is on the part of the prosecution to prove the case and at this stage, it is also required that the petitioner should have an opportunity to prepare themselves for the trial.

6. Considering the above facts and circumstances of the case and the period of incarceration by the petitioner from 04.07.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions.

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 Judicial Magistrate, Chidambaram, 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall report before the Judicial Magistrate-II Chidambaram, daily at 10.30.a.m., till the order of committal and thereafter before the Sessions Court 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.

05.10.2023

Smv



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To

- 1.The Judicial Magistrate, Chidambaram.
- 2.Central Prison,
Cuddalore.
- 3.The Public Prosecutor,
High Court of Madras



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C.V.KARTHIKEYAN. J.

Smv

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