



Crl.O.P.No.6303 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

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

Crl.O.P.No.6303 of 2024

Sedhupathi

..Petitioner

Vs.

State represented by
The Station House Officer,
karuvepilankurichi Police Station,
Cuddalore District.
(Crime No.221 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.221 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.C.Vishwanth

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.12.2023 for the offences originally registered by the respondent



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Police under Section 174(3) Cr.P.C and later, altered to Sections 498A and 306 of IPC in Crime No.221 of 2023 on the file of the respondent, seeks bail.

2.It is stated that the petitioner is the sole accused and the deceased is his wife. It is stated that they had married on 16.09.2021 and they also have a young female child. The one factor which forces me to dismiss this petition is that in the report of the Post Mortem that there is injury in the right side ear of the deceased and also ligature mark are not continuous.

3.The earlier application seeking bail in Crl.O.P.No.2924 of 2024 had been dismissed by this Court on 16.02.2024.

4.The Investigating Officer is present before this Court and he forwarded the final opinion, after the Post Mortem Report through the learned Government Advocate (crl.side) and in the report, it had been expressed that discontinuous ligature mark is also possible and death was due to asphyxiation.

5.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject



to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.II, Vridhachalam 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 everyday 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.

[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



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Kerala [(2005)AIR SCW 5560].

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

18.03.2024

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To

- 1.The Judicial Magistrate No.II, Vridhachalam.
2. The Central Prison, Cuddalore.
- 3.The Station House Officer,
karuvepilankurichi Police Station,
Cuddalore District.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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