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CrI.O.P.No.19374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.19374 of 2024

R.Vivek

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E-1 Police Station,
Ponneri – 601 204.
Crime No.221 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail in Crime No.221 of 2024 on the file
of the respondent police.

For Petitioner : Mr.D.Mohammed Asan

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 09.06.2024, for the alleged offences punishable under Sections 302, 341



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and 294(b) of IPC, in Crime No.221 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, there was a matrimonial dispute between the petitioner and the deceased daughter. On 08.06.2024, at about 7.00 p.m, in a drunken mood, the petitioner went to the house of the defacto complainant and asked about his wife. The defacto complainant's mother came there, and the petitioner assaulted her with a knife over her head. As a result, she sustained injuries, was taken to hospital, and later she died. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that, due to a matrimonial dispute between the petitioner and his wife, the said occurrence had happened and there was no motive to kill his mother-in-law. He would further submit that the petitioner was arrested and is in judicial custody for more than 60 days and is ready to abide by any



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conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that due to a matrimonial dispute between the petitioner and the defacto complainant's sister, on the date of occurrence, in a drunken mood, the petitioner assaulted the defacto complainant's mother with a knife over her head, thereby sustained grievous injuries and later she died. He would further submit that the investigation was completed and the petitioner has no previous case pending against him. However, he vehemently, opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side, considering the period of incarceration undergone by the petitioner and taking note of the fact that the investigation was completed and there was no



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previous case against the petitioner, and also considering all other factors, I am inclined to grant bail to the petitioner, subject to certain 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 Judicial Magistrate No.I, Ponneri, and on further conditions that:-

[a] the petitioner shall report before the Judicial Magistrate No.I, Ponneri, everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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 269 BNS.

12.08.2024

drl

To

- 1.The Judicial Magistrate No.I,
Ponneri.
- 2.The Inspector of Police,
E-1 Police Station,
Ponneri – 601 204.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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