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Crl.O.P.No.27358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

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

Crl.O.P.No.27358 of 2024

Velu

... Petitioner

Vs.

State represented by,
The Inspector of Police,
C-1, Sriperumbudur Police Station,
Kanchipuram District.
(Crime No. 662 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.662 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.G.Balamanikandan

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 16.09.2024, for the alleged offences punishable under Sections 296(b) &
103(1) of BNS Act, in Crime No.662 of 2024, on the file of the respondent



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police, seeks bail.

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2. The case of the prosecution is that the petitioner and deceased are husband and wife. On 16.09.2024 at about 1.00 a.m, there was a wordy quarrel between the petitioner and the deceased, for which, the deceased consumed alcohol, and thereafter he asked his wife, to have sexual intercourse, when she refused, the petitioner attacked her with a knife, due to which, 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 further submit that the petitioner was arrested and is in judicial custody from 16.09.2024 and is ready to abide by any 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 submitted that on the date of the alleged occurrence, there was a wordy quarrel between the petitioner and the deceased, for which, the



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deceased consumed alcohol, and thereafter the petitioner asked to have sexual intercourse with him, when she refused, the petitioner attacked the deceased with a knife and later died. He further submits that the petitioner has no previous case pending against him. Hence, he 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 nature of offence, considering the period of incarceration undergone by the petitioner from 16.09.2024, and the petitioner has no previous cases, pending against him, already statement of the material witnesses have also been recorded by the investigation officer, and also considering all others 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 learned



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Judicial Magistrate, Sriperumbudur, and on further conditions that:-

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond 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 Kerala [(2005)AIR SCW 5560]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered



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under Section 269 B.N.S.

29.10.2024

drl

To

- 1.The Judicial Magistrate,
Sriperumbudur.
- 2.The Inspector of Police,
C-1, Sriperumbudur Police Station,
Kanchipuram District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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