

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.3385 of 2019

K.VENKATESAN

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
H-6, R.K.NAGAR POLICE STATION,
WASHERMENPET,
CHENNAI.
CR.NO.1307 OF 2018.

For Petitioner : M/S.B.BALAMURUGAN Advocate

For Respondent : MRS. M.PRABHAVATHI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 14.12.2018 for an offence under Sections 302 IPC in Crime No.1307 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that this petitioner is the brother of the deceased and Defacto Complainant is his sister. The petitioner's family as well as the defacto complainant's family are residing in the same compound and the deceased is addicted to alcohol and used to pick up quarrel with his mother and other family members. On the date of occurrence, the deceased picked up quarrel with the family members and the petitioner and came to the place of occurrence and assaulted the deceased with wooden log and dragged the deceased on road and left him in the railway track.

3. The learned counsel for the petitioner submitted that the petitioner has been inside the jail from 14.12.2018 onwards for more than 55 days.

4. The learned Additional Public Prosecutor submitted that the entire incident took place, since the deceased was in the habit of consuming alcohol and fighting with the family members and on the date of incident, the petitioner got enraged with the behaviour of the deceased and had attacked and dragged him to the railway track.

5. This Court has carefully considered the submissions made on either side.

6. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, Chennai 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 petitioners shall report before the respondent police, daily at 10.30 a.m, until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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.

-sd/-

सत्यमेव जयते
08/02/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

WEB COPY
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XV, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-6, R.K.NAGAR POLICE STATION,
WASHERMENPET,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+2 CC to M/S.B.BALAMURUGAN Advocate on payment of necessary
charges SR.NO.2799

CRL OP.3385/2019

Date :08/02/2019

TA-08/02/2019



WEB COPY