

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9185 of 2020

Sivaraman @ Parthasarathi @ Sivaraman

... Petitioner

Vs.

The State of Tamilnadu
rep. by Inspector of Police
Pudupettai Police Station
Cuddalore District
Crime No.484 of 2020.

.... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.484 of 2020 on the file of the respondent police station viz. Pudupettai police station, pending investigation.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 08.05.2020 for the offences punishable under **Sections 302 IPC in Crime No.484 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution is that as per the defacto complainant / Anjalachi, her husband deceased was a Branch Secretary of AMMK party and there was previous enmity with A1, whileso, on 08.05.2020 while the deceased and the accused were consuming liquor in wine shop, there was a quarrel, during which the petitioner had stabbed the victim with pen knife resulting in him sustaining injuries in bladder and died and the other accused persons A2 and A3 had pushed down the deceased along with A1 during the incident.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated due to

happened during a quarrel in liquor shop and there was no premeditation.

4. The learned Additional Public Prosecutor submitted that the petitioner along with two other accused persons during the quarrel stabbed the defacto complainant with pen knife. Investigation is pending.

5. Taking into consideration of the facts and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate-II, Panrutti, on or before 22.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) **the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.**

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/06/2020

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE-II
PANRUTTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PUDUPETTAI POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT OF
CENTRAL PRISON, CUDDALORE.

CC to M/S M.DEVARAJ Advocate on payment of necessary charges

CRL OP.9185/2020

Date :22/06/2020

TA-16/07/2020