

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2020

CORAM:

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

CrI.O.P.No.9231 of 2020

P.Velakanni
Petitioner

...

Vs.

State Rep. by
Inspector of Police
G-3, Kilpauk Police Station,
Chennai.
Respondent

...



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PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in respect of the above Crime No.278 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Vishnu

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 14.05.2020 in Crime No.278 of 2020 on the file of the respondent police for the offences punishable under Sections 341, 294(b), 324 and 307 IPC later altered into 302 IPC, seeks bail.

2.The case of the prosecution as per the defacto complainant is that due to previous enmity, the petitioner assaulted the defacto complainant's father-in-law with a stone. Originally, based on the complaint given by the defacto complainant, the case was registered under Sections 341, 294(b), 324 and 307 IPC and the victim was admitted in the hospital and later, he succumbed after one week. Thereafter, the case was altered to 302 IPC.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The learned counsel further submitted that even as per the allegations in the F.I.R, there was no premeditation and no weapon was used and during a quarrel, the petitioner had attacked the victim with a stone and the incident happened, during the sudden fight.

4. The learned Additional Public Prosecutor would submit that the petitioner, due to enmity, assaulted the victim aged about 70 years with a stone. Thereafter, the victim sustained injuries and he was taken to the hospital and died in the hospital, after a week. Further, investigation is pending.

5. Taking into consideration the facts and circumstances of the case and 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 and thereafter on his release;

(b) the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the II Metropolitan Magistrate, Chennai within a period of two weeks from the date of lifting of lock down, 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 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.

23.06.2020

Index : Yes/No

Internet : Yes/No

ssb

To

1. II Metropolitan Magistrate Court

Chennai

2. Inspector of Police

G-3, Kilpauk Police Station,

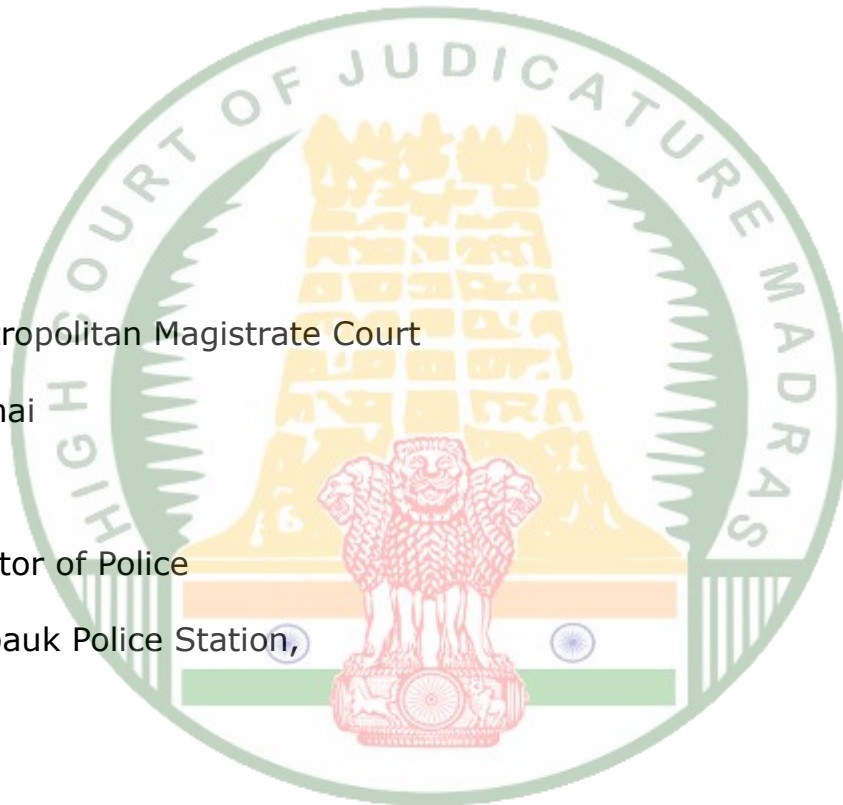
Chennai.

3. The Public Prosecutor,

High Court of Madras.

4. The Superintendent of Central Prison

Puzhal



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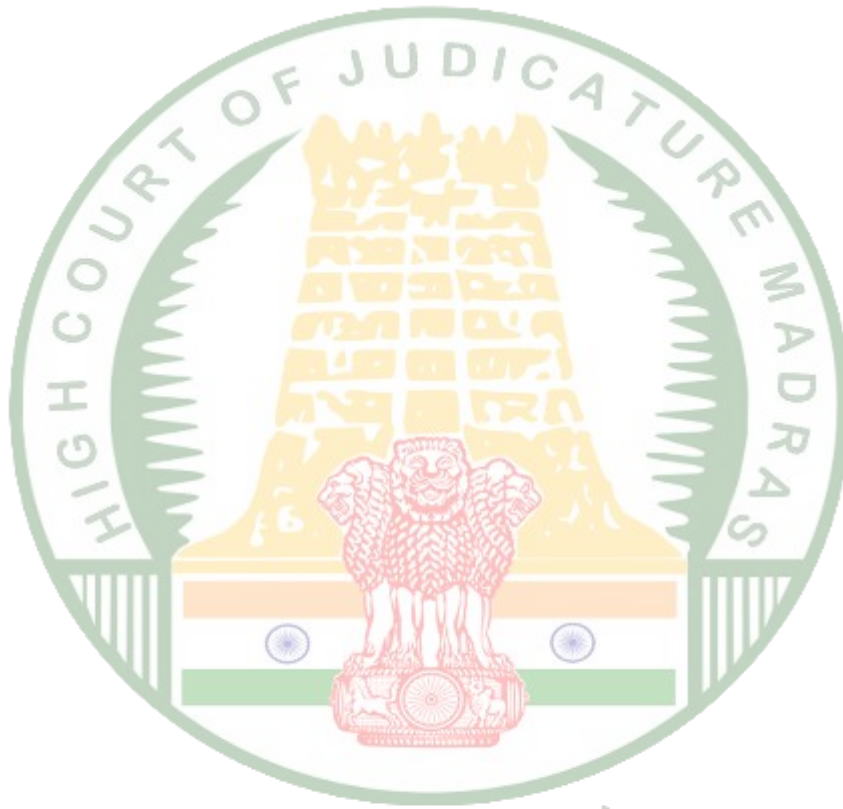


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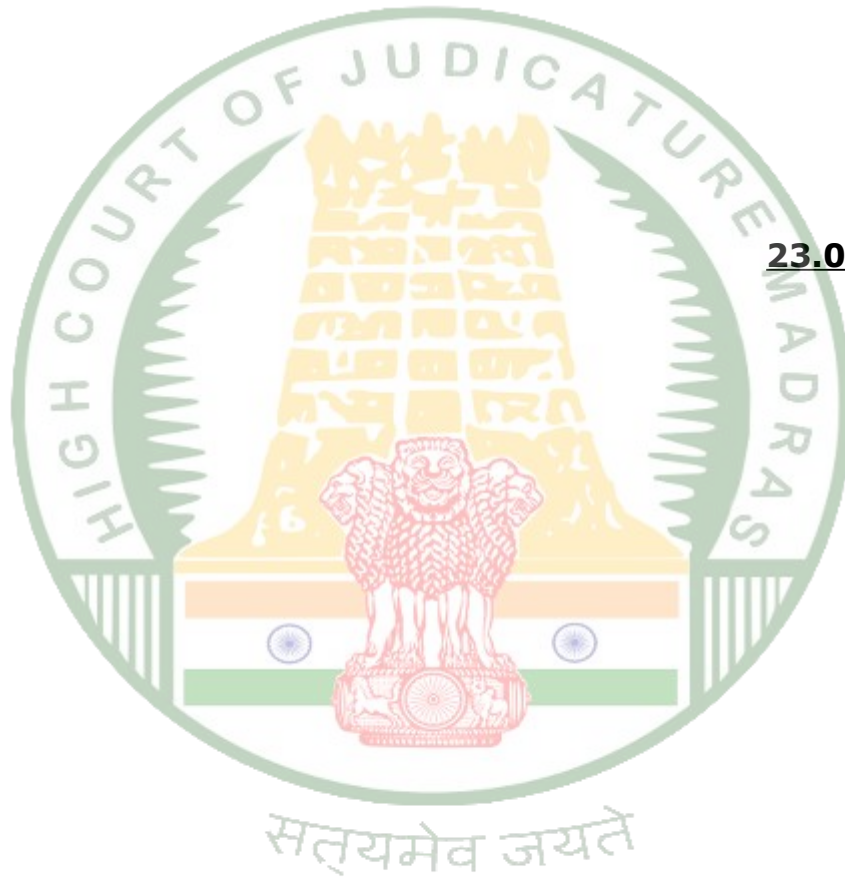
A.D.JAGADISH CHANDIRA, J.

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