

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2020

CORAM :

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

CRL.O.P.No.18045 of 2020

Balasubramani (a) Bala

... Petitioner

Vs.

State rep by:

The Inspector of Police

R-1, Mambalam Police Station

Chennai - 600 017

Cr.No.529 of 2020

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.529 of 2020 pending on the file of the respondent Police.

For Petitioner : Mr.N.Moorthi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 14.09.2020 for the offence punishable under Section 302 IPC and later altered into Sections 147, 148 and 302 IPC read with 120 IPC in Crime No.529 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de facto complainant Alamelu is that on 13.09.2020, due to previous enmity, the petitioner along with four others attacked her son Ramamurthy @ Narayanamurthy with deadly weapons, due to which, he died.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since the police suspected that he is also the friend of the main accused. He would submit that the petitioner has no previous case. He would further submit that the petitioner was arrested on 14.09.2020 and he is in custody for almost two months.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose for the grant of bail stating that the petitioner and the deceased are friends and that on 13.09.2020, when the accused and the deceased were consuming liquor together, there was a quarrel, during such time, the accused have assaulted the deceased with knife, due to which, he sustained fatal injuries and died on the spot.

5. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, 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 condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the XVII Metropolitan Magistrate, Saidapet, Chennai, and on further conditions that:

(b) 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;

(c) the petitioner, on his release from prison, shall stay at Cuddalore and report before the Cuddalore Old Town Police Station everyday at 10.30 a.m and 5.30.p.m until further orders.

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

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

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

(g) 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];

(h) 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/-

18/11/2020

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 XVII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI-15.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION,
CHENNAI 17

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S. N.MOORTHY Advocate on payment of necessary charges
Sr.7585

CRL OP.18045/2020

Date :18/11/2020

RVR 19/11/2020



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