

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1107 of 2021

Appu @ Vairavel

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Perambut Police Station,
Vellore District.
(Crime No.1361 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1361 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. T. Muruganantham
For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 16.12.2020 for the offence punishable under Sections 294(b), 341, and 302 IPC in Crime No.1361 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that one Arunkumar has borrowed the two wheeler from the deceased and subsequently, when the deceased asked to return back the same, the petitioner said to have attacked him with knife and caused serious injuries. Immediately, he was taken to hospital, where he succumbed to injuries. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that on the date of occurrence, there was wordy quarrel between the petitioner and the deceased, and all of a sudden, out of provocation, the petitioner attacked the deceased and he has no motive to cause the death of the deceased. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a premeditated murder. The petitioner has borrowed the two wheeler from the deceased and when he asked to return the same, the petitioner attacked the deceased with knife and caused his death. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case that the occurrence has taken place in a wordy quarrel, and due to sudden provocation, petitioner said to have attacked the deceased and also considering 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Gudiyatham, 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 shall report before the respondent police daily at 10.30 a.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/-
19/02/2021

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,
GUDIYATHAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT.[FOR INFORMATION]

3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4. THE INSPECTOR OF POLICE,
PERNAMBUT POLICE STATION,
VELLORE DISTRICT.

5. THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges. SR.NO.1996

CRL OP.1107/2021

Date :19/02/2021

KSM 22/02/2021