

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1366 of 2021

K. Michael @ Sathyaraj

... Petitioner

Vs.

The State Rep. by
The Sub-Inspector of Police,
Kilpennathur Town Police Station,
Tiruvannamalai,
Crime No.31 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.31 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. M.Krishnamoorthy

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 15.01.2021 for the offence punishable under Sections 294 (b), 352, 324 and 307 of IPC in Crime No.31 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the defacto complainant is running a two wheeler mechanic shop. On the date of occurrence, while the defacto complainant was repairing the two wheeler of the victim Perumal, the petitioner came to his shop and ask to repair his bike first. Since the defacto complainant asked the petitioner to wait for some time, the petitioner abused the defacto complainant in filthy language. When the victim Perumal questioned the same, the petitioner said to have attacked the victim on his head by using spanner and caused serious head injury. Hence, a complaint came to be registered.

3. The counsel for the petitioner would submit that due to wordy quarrel, out of sudden provocation, the petitioner attacked the injured and he has no motive to murder the victim. Hence, he prays

4.The learned Additional Public Prosecutor would submit that the petitioner attacked the victim on his head by using the spanner and caused serious head injuries to him and the victim is still taking treatment as inpatient and investigation is almost completed and she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case and due to wordy quarrel, out of provocation the petitioner said to have attacked the victim and the fact that investigation in this case is almost completed 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 Principal District and Sessions Judge, Tiruvannamalai, 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/-
22/02/2021

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 PRINCIPAL DISTRICT AND SESSIONS COURT,
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
KILPENNATHUR POLICE STATION
TIRUVANNAMALAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

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

CRL OP.1366/2021

Date :22/02/2021

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MN-23/02/2021