

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1367 of 2021

Dinesh Kumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Tiruppur South Police Station,
Tiruppur City
(Crime No. 1669 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. 1669 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.M.Prabavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 30.11.2020 for the offence punishable under Section 302 IPC in Crime No.1669 of 2020 , seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that on the date of occurrence, the deceased tried to snatch the mobile phone of the petitioner, and tried to attack him, in retaliation, petitioner said to have attacked the deceased and thereby, caused his death. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and only in order to safeguard himself, the petitioner attacked the deceased. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner attacked the deceased with knife and caused his death and he is hailing from Uttarpradesh. If he is released on bail , he may abscond. Hence, she opposed to

grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that it is not a premeditated murder, the petitioner said to have attacked the deceased in order to protect himself, 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 No.II, Tiruppur, 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/-

02/02/2021

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,
NO.II, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION,
TIRUPPUR CITY.

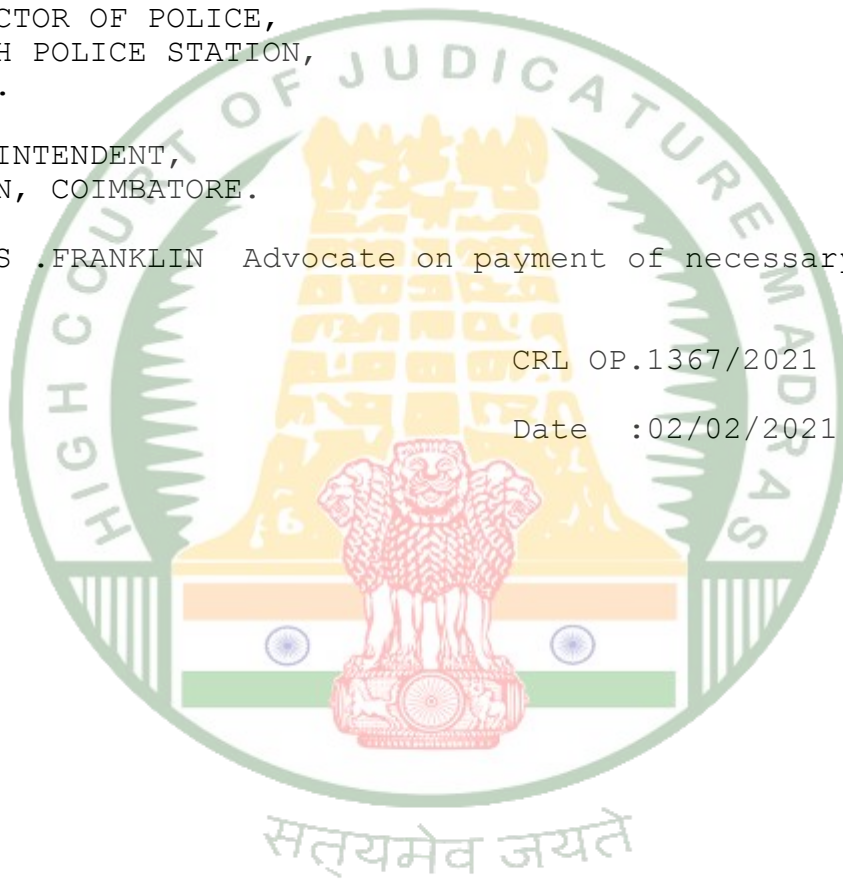
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.1367/2021

Date :02/02/2021

TA-03/02/2021



WEB COPY