

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3581 of 2021

Manikandan

... Petitioner

Vs.

State Represented By
The Inspector of Police,
T-14, Mangadu Police Station,
Chennai.
Crime No.1 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to release the petitioner on bail pending investigation in Crime No.01 of 2021 on the file of the respondent herein.

For Petitioner : M/s.V.Bhavani

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 01.01.2021 for the offence punishable under Section 302 of IPC in Crime No.1 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner and the deceased were friends and they were working as Assistant Directors in Cine fields. On 01.01.2021, at about 1.00 a.m., while they were celebrating new year eve by consuming liquor, quarrel arose between them, in which, the petitioner said to have attacked the deceased with knife on his chest and caused serious injuries and he died. Hence, a complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner and the deceased are friends. On the date of occurrence, there was wordy quarrel between them, in which, the deceased attacked the petitioner and he has also sustained injury, and only to safe guard himself, the petitioner attacked him and the occurrence had taken place in sudden provocation.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased and the accused are friends and in a wordy quarrel, the petitioner attacked the deceased and caused his death. Now, investigation is almost completed. Hence, she opposed to grant bail to the petitioner.

5. I have considered the submissions and perused the materials available on records carefully.

6. From the records, it is seen that while celebrating new year, in a wordy quarrel, the petitioner attacked the deceased and the petitioner also sustained minor injuries.

7. Taking into consideration of the facts and circumstance of the case, and the fact that now, 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 Judicial Magistrate, Sriperumbudur, 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 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

25/02/2021

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
T-14 MANGADU POLICE STATION,
CHENNAI.

+2 CC to M/S.V.BHAVANI Advocate on payment of necessary charges
SR.No.2288

CRL OP.3581/2021

Date :25/02/2021

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