

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4466 of 2021

Sakthivel

... Petitioner

Vs.

State rep by
The Inspector of Police,
Palladam Police Station,
Tiruppur.
Cr.No.2503 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr. No.2503 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

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 28.12.2020 for the offence punishable under Section 302 of IPC, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that, the deceased, namely, Murugan and the petitioner are relatives. Both of them were working in a company at Tiruppur. There was frequent quarrel between them. On the date of occurrence, the petitioner said to have took the deceased to a far away place and attacked him with knife and caused his death. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that it is a case of circumstantial evidence and there is no eye witness to the occurrence. Only on suspicion, the petitioner has been implicated in this case. Both the petitioner and the deceased were residing in the same place for a long time and there is no reason for him to murder the deceased. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and the deceased were used to quarrel frequently. On the date of occurrence, the petitioner only took the deceased to a far away place and murdered him. Now, investigation is almost completed. Hence, she vehemently opposed to grant bail to the petitioner.

5. I have considered the submission made on either side and perused the materials available on records carefully.

6. Considering the said facts and circumstances of the case, and the fact that it is a case of circumstantial evidence and now, investigation is almost completed and also taking note of 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.I, 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; interrogation;

(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 filed under Section 229A IPC.

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

-sd/-
08/03/2021

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.I,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

WEB COPY
CRL OP.4466/2021
Date :08/03/2021

MN-09/03/2021