

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4708 of 2021

Kumar

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Villivakkam Police Station,
Chennai.

(Crime No.23 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.23 of 2021 on the file of the Respondent Police.

For Petitioner : Mr. M. Vinoth

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 22.01.2021 for the offence punishable under Sections 302 of IPC in Crime No.23 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the deceased is the father in law of the petitioner and the defacto complainant is his wife. On the date of occurrence, the petitioner said to have beaten his daughter. When the same was questioned by the deceased, the petitioner attacked him with knife and caused his death. Hence, the complaint came to be registered. The petitioner was arrested on 22.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the deceased is father-in-law of the petitioner and residing with the petitioner's family. On the date of occurrence, due to wordy quarrel, out of sudden provocation, the petitioner said to have attacked the deceased and caused his death. He is in jail from 22.01.2021. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has murdered his own father-in-law without any reason whatsoever. Now, final report has been filed and the matter is pending for committal in PRC No.48 of 2021 before the XIII Metropolitan Magistrate, Chennai. Hence, she opposed to grant bail to the petitioner.

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

6. The deceased is the father-in-law of the petitioner and he was residing with the petitioner. It seems that on the date of occurrence, the petitioner has beaten his daughter, which was questioned by the deceased. At that time, wordy quarrel arose between them, in which, the petitioner attacked the deceased with knife and caused his death. Now, investigation is completed and final report has been filed and the matter is pending for committal.

5. Considering the said facts and circumstances of the case and also the fact that final report has been filed and the matter is pending for committal 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.XIII, Egmore, 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 Committal Court, on all working days 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/-
31/03/2021

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.XIII,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VILLIVAKKAM POLICE STATION,
CHENNAI

+1CC to M/S.M.VINOTH Advocate on payment of necessary
charges SR NO.4349

CRL OP.4708/2021

Date :31/03/2021