

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4913 of 2021

Kothandapani @ Ajith

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
(Crime No.2513 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.2513 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mrs.M.Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 21.12.2020 for the offences punishable under Sections 449 and 302 of IPC in Crime No.2513 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that on 19.12.2020, while consuming liquor, quarrel arose between the petitioner and the deceased, due to which, the petitioner said to have attacked the deceased and caused his death. Hence, the complaint came to be registered.

3. The learned counsel appearing for the petitioner would submit that only on suspicion, the petitioner was arrested and he is in jail for more than 80 days. He has not committed any offence as alleged by the prosecution. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that due to some previous enmity, the petitioner attacked the deceased with wooden log and caused his death. She would further submit that now investigation is completed, final report has been filed and the matter is taken cognizance and pending in SC.No.145 of 2021 on the file of the District Judge, Villupuram and posted for framing of charges. Hence, she opposed to grant bail to the petitioner.

5. Considering the facts and circumstance of the case and the fact that investigation is completed and final report has been filed and the matter is pending for framing charges 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.I, Villupuram, 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 trial Court daily at 10.30 a.m., on all working days, 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/-
11/03/2021

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,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE DISTRICT JUDGE,
VILLUPURAM.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON,
CUDDALORE.

+1 CC to M/S.K.SUDHAKAR Advocate on payment of necessary charges
SR.NO.3205.

WEB COPY CRL OP.4913/2021
Date :11/03/2021

EP-12/03/2021