

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5104 of 2021

Patricvinoth

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Thellar Police Station,
(Crime No.27 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.27 of 2021 on the file of Respondent police.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondent : Mr.M.Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 07.02.2021 for the offence punishable under Sections 328, 511 of I.P.C. in Crime No.27 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is milk vendor. The allegation is that one Mary, who is also a milk vendor said to have supplied milk to various customers. On the date of occurrence, when the defacto complainant found some foul smell in the milk and they enquired with Mary and said to have informed that the petitioner, her son might have mixed poisonous substances in milk. Hence, a criminal case has been registered, and the petitioner was arrested and remanded to judicial custody on 07.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner's mother is a milk vendor and the purchaser has found some foul smell in the milk. Accordingly, suspecting the petitioner that he said to have mixed the poisonous substance, a criminal case has been registered against the petitioner. He would submit that he has been falsely implicated in this case, he is an innocent person

and he is no way connected with the offence as alleged in the complaint. He would submit that he is in jail from 07.02.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that on suspicion, that the petitioner had mixed the poisonous substances in the milk, the crime was registered and he was arrested. He would submit that the investigation is almost completed and there is no bad antecedents against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that only on suspicion that the petitioner alleged to have mixed poisonous substance in the milk, a criminal case has been registered against the petitioner, now the investigation is almost completed and also considering the period of incarceration suffered by the petitioner nearly one month, 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, Vandavasi 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, after his release from prison, shall report before the respondent police as and when required for 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 registered under Section 229A IPC.

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

-sd/-
15/03/2021

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,
VANDAVASI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THELLAR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.T.V.G.KARTHEEBAN Advocate on payment of necessary charges SR NO. 3322

WEB COPY

CRL OP.5104/2021

Date :15/03/2021

MN-16/03/2021