

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6856 of 2021

C.Vinoth Kumar

... Petitioner

Vs.

State rep by
The Inspector of Police,
Muthapudupet Police Station,
Thiruvallur District.
(Crime No.12 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in pending investigation in Cr.No.12 of 2021 on the file of the Inspector of Police, Muthapudupet Police Station, Thiruvallur District.

For Petitioner : Mr.V.Perarasu

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 27.01.2021 and remanded to judicial custody for the offences under Sections 309 altered to 306 of IPC in Cr.No.12 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was some pathway dispute between the petitioner and the defacto complainant due to which the petitioner is said to have abused the defacto complainant and his wife in filthy language. Hence the wife of the defacto complainant poured kerosene on herself as set fire and died in the hospital. Hence, the defacto complainant lodged a case before the law enforcing agency against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution and he has been in judicial custody for more than 60 days. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner abused the deceased using unparliamentary words due to which she committed suicide by pouring kerosene on herself and set fire. She further submits that investigation is almost completed.

5. Taking into consideration the fact that no specific overt act has been attributed as against the petitioner and also the fact that investigation 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambattur and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-

09/04/2021

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MUTHAPUDUPET POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S.V.PERARASU Advocate on payment of necessary charges
SR.NO.4608

CRL OP.6856/2021

Date :09/04/2021

rvr 09/04/2021



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