

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.7151 of 2020

K. Vignesh

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
Cr.No.27 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.27 of 2020 on the file of the respondent police.

For Petitioner : Mr. T. Dhasarathan

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 18.01.2020 for the offence punishable under Section 302 of IPC in Crime No.27 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the deceased in this case, namely, Vignesh is the son of the defacto complainant. There was a previous enmity between the petitioner and the deceased. Due to the same, the petitioner said to have attacked the deceased and caused his death. Earlier, the complaint has been lodged by the father of the deceased on the ground that his son was found dead due to injuries. Based on that, a crime was registered. After investigation, the petitioner was arrested.

3. The petitioner was arrested and remanded to judicial custody on 18.01.2020. Subsequently, this Court by an order dated 15.04.2020 granted interim bail to the petitioner for a period of eight weeks.

4. The learned counsel for the petitioner would submit that the petitioner and the deceased are friends. There is no eye-witness to the occurrence. Only on suspicion, he was arrested. Even in the First Information Report, there is no specific allegation as against the petitioner. Hence, he prays for grant of bail.

5. The learned Additional Public Prosecutor would submit that the petitioner has only attacked the deceased, caused grievous injuries to him, and thereby, committed murder. She would further submit that investigation is completed and final report has also been filed. Hence, she opposed to grant bail to the petitioner.

6. Considering the facts and circumstances of the case, interim bail already granted to the petitioner by this Court on 15.04.2020, is made absolute subject to the following conditions:

[a] Accordingly, the petitioner is directed to surrender on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Trichengode, 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 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/-
05/03/2021

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,
TRICHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.T.DHASARATHAN Advocate on payment of necessary charges

CRL OP.7151/2020

Date :05/03/2021

TA-08/03/2021

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