

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.8085 of 2021

K.Jaiganesh

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Villupuram Town Police Station,
Villupuram.
(Crime No.63 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 SC.No.195 of 2021 pending trial on the file of the Principal Sessions Court, Villupuram.

For Petitioner : Mr.M.Selvam

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 31.01.2021 and remanded to judicial custody for the offences under Sections 302 of IPC @ 302, 341, 294(b) of IPC in Cr.No.63 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to property dispute, the petitioner stabbed the deceased with knife all over his body and hence, he sustained grievous injuries. Thereafter, he was taken to the hospital and subsequently, he was declared dead. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He is in no way connected with the offence as alleged by the prosecution and that the petitioner has been in jail from 31.01.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that on the date of occurrence, the petitioner stabbed the deceased with knife and he sustained multiple injuries and died. She would further submit that investigation is completed and charge sheet was filed and the case has been taken on file in PRC. No.11 of 2021.

5. Taking into consideration the fact that the investigation is completed and charge sheet was filed 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-I, Villupuram within a period of fifteen days from the date of receipt of a copy of this order 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/-
29/04/2021

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 NO.I,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

+1CC to M/S.M.SELVAM Advocate on payment of necessary charges
SR NO.5592

CRL OP.8085/2021

MK:30/04/2021

Date :29/04/2021

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