

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8583 of 2021

Krishnamurthy

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Puzhal Police Station,
Chennai.
(Crime No.113 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.113 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.V.R.Appaswamee

For Respondent : Mr.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned Counsel on either side.

2. The petitioner was arrested and remanded to judicial custody on 09.04.2021 for the offences punishable under Sections 174 of Cr.P.C. altered into Sections 302 of IPC in Crime No.113 of 2021, seeks bail.

3. It appears that the deceased seems to have involved in a wordy quarrel with the petitioner and that has led to his eventual death and no weapon has been used by the petitioner herein.

4. Learned Government Advocate (Crl. Side) appearing for the respondent strongly opposes the grant of bail to the petitioner. He however stated that the petitioner is not having any previous cases.

5. Considering the facts and circumstances of the matter, more particularly the fact that except receiving the viscera report, in all other aspects, the investigation appears to have substantially completed, I am of the view that no purpose would be served in

keeping the petitioner in custody. Therefore, I am 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 District Judicial Magistrate, Madhavaram 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 every day at 10.30 a.m. for a period of two weeks and thereafter 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC; and

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

-sd/-

05/05/2021

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,
MADHAVARAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PUZHAL POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, PONNERI.

CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges Sr.5815

CRL OP.8583/2021

Date :05/05/2021

RVR 06/05/2021