

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

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

Crl.O.P.No.8881 of 2021

P.Sivanandham

... Petitioner

Vs.

The Inspector of Police,
Chennimalai Police Station,
Erode.
(Crime No.147 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.147 of 2021 pending on the file of the respondent.

For Petitioner : Mr.M.Guruprasad

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

ORDER

(The case has been heard through video conference)

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 30.03.2021 for the offences under Section 302 IPC in Crime No.147 of 2021.

3. The learned Government Advocate would state that the petitioner has murdered his own father and therefore this Court should not show any indulgence.

4. Per contra, the learned counsel for the petitioner would state that the father was addicted to vices and he used to pick up quarrel with the petitioner as well as the mother and taken money from them. On the fateful day, the father is said to have picked up quarrel with the petitioner as well as his mother. During the ensuing scuffle, the petitioner is said to have attacked his father with crowbar on the back side of his head.

5. Taking note of these aspects, 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 Judicial Magistrate, Perundurai, 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 not commit any offences of similar nature;

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

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

(f) 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];

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

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

-sd/-

06/05/2021

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,
PERUNDURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
CHENNAIMALAI POLICE STATION, ERODE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

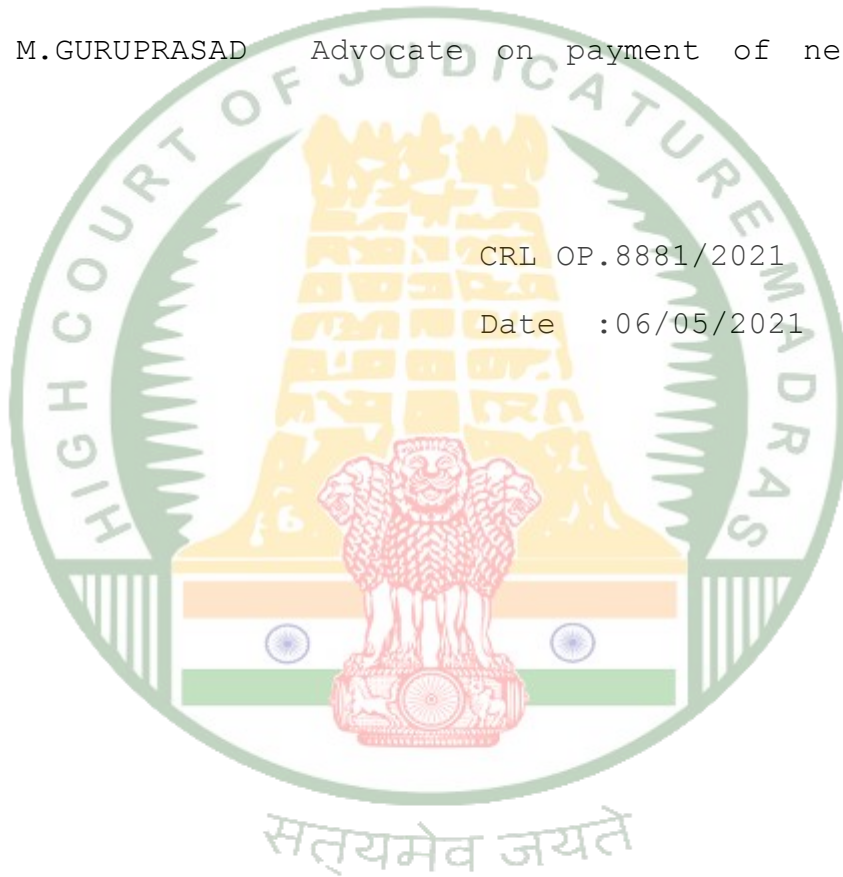
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M.GURUPRASAD Advocate on payment of necessary charges
SR.NO. 6003

CRL OP.8881/2021

Date :06/05/2021

MN-07/05/2021



WEB COPY