

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9469 of 2021

Palaniyappan

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
(Crime No.278 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 Crime No.278 of 2021 on the file of Inspector of Police, Muthupettai Police Station, Thiruvarur District.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.E.Rajthilak
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 29.03.2021 and remanded to judicial custody for the offences punishable under Section 302 of IPC in Cr.No.278 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the son of the deceased and that on 28.03.2021, the deceased started assaulting the petitioner using wooden log and in retaliation the petitioner herein hit the deceased with a wooden log and inflicted injuries on his hands and head. As a consequence, the deceased sustained severe blood injury and was taken to the hospital, where the doctors declared that the victim was brought dead. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and that he has been falsely implicated in this case and the petitioner has been in jail from 29.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed the grant of bail by stating that the petitioner is the son of the deceased and that on 28.03.2021, the deceased started assaulting the petitioner using wooden log and in retaliation the petitioner herein hit the deceased with the wooden log and inflicted injuries on his hands and head. As a consequence, the deceased sustained severe blood injury and was taken to the hospital, where the doctors declared that the victim was brought dead.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the District Prison, Nagapattinam in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

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

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

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

(h)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;

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

-sd/-
20/05/2021

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,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

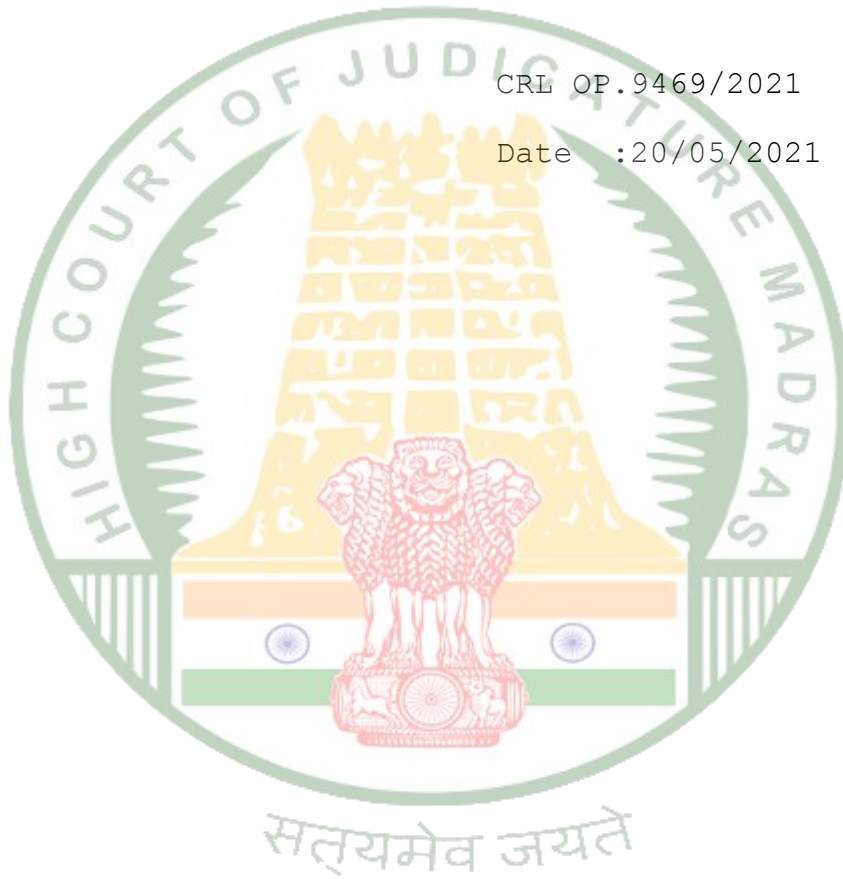
5 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.9469/2021

Date :20/05/2021

cs 26/05/2021



WEB COPY