



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12352 of 2021

Palanivel

... Petitioner

Vs.

State Rep by its
The Inspector of Police,
Thattachery Police Station,
Nagapattinam District.
(Crime No.579 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.579 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 14.06.2021 and remanded to judicial custody for the offences punishable under Sections 294(b), 302 of IPC, in Crime No.579 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased and the petitioner are father and son, there was a wordy quarrel between the petitioner and the deceased, for which, the petitioner had abused the deceased in filthy language and attacked him with hands and legs, as a result, blood oozed from the mouth of the deceased and admitted in Nagapattinam Government Hospital and he died. Hence, the complaint was registered.

3.The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 14.06.2021. He further submits that the petitioner had married the other caste women and the same was not liked by the petitioner's father. He further submits that he filed a bail petition in Crl.M.P.No.1787 of 2021 before the learned District and Sessions Judge, Nagapattinam and the same was dismissed on 28.06.2021. Therefore, he prays to grant bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that the investigation is still pending and there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

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5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending as against the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Nagapattinam, 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/-
30/07/2021

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.



1 THE JUDICIAL MAGISTRATE,
NO.II NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.

4 THE INSPECTOR OF POLICE,
THATTACHERY POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12352/2021

Date :30/07/2021

APN 02/08/2021