



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13775 of 2021

Muthu @ Nagamuthu

... Petitioner

Vs.

State represented by
The Inspector of Police,
M1- Madhavaram Town Police Station,
Chennai.
(Crime No.703 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.703 of 2021 on the file of the respondent police.

For Petitioner : Mr.N. Naresh

For Respondent : Mr.C.E. Pratap
Government Advocate (Crl.Side)

ORDER

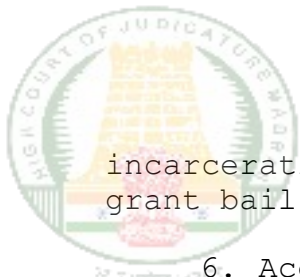
The petitioner who was arrested on 17.06.2021 and remanded to judicial custody for the offences under Sections 341,294(b),302 of I.P.C in Crime No.703 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity the petitioner quarreled with the deceased, who is the son of the defacto complainant and assaulted him with knife and also kicked him, due to which the deceased fell unconscious and died. Hence, the complaint.

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 17.06.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner and also taking note of the period of



incarceration suffered by 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 learned District Munsif cum Judicial Magistrate Court at Madhavaram, Chennai, 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/-
06/08/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT
AT MADHAVARAM, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).



3 THE INSPECTOR OF POLICE,
M1-MADHAVARAM POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI-66

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S N.NARESH Advocate on payment of necessary charges
SR.NO.8222.

CRL OP.13775/2021

Date :06/08/2021

INBA 09/08/2021