



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15285 of 2021

M.Johnbosco

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Arcot Town Police Station,
Crime No.440 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.440 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.K.Munusamy

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 13.07.2021 for the offences under Section 302 of IPC, in Crime No.440 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during midnight petitioner was sleeping in the lorry and while so the deceased along with other accused entered into the lorry to commit robbery from the petitioner and the deceased threatened the petitioner using the knife and stabbed the throat and by way of self defence, when the petitioner defended himself by grabbing the same knife and retaliated, in the left chest of deceased and in the result the deceased died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and he has been falsely implicated. He further submits that he is in jail from 13.07.2021. Hence he prays for grant of bail to the petitioner.

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

5. Considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner



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 District Munsif cum Judicial Magistrate, Arcot, 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/-

26/08/2021

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,
ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE.



4 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.15285/2021

Date :26/08/2021

RW 27/08/2021