

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20507 of 2020

Srinivasan @ Srini

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
Ammamet Police Station,  
Salem District  
(Crime No.571 of 2019 )

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No. 571 of 2019 pending investigation on the file of the Respondent.

For Petitioner : Mr.B. Vasudevan

For Respondent : Mr.M. Prabavathi,  
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 21.12.2019 for the offence punishable under Section 302 IPC in Crime No.571 of 2019, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that due to family dispute, the petitioner attacked his father with chisel and caused his death. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner was detained under Act 14 of 1982 and the same was set-aside by this Court on 28.10.2020 in HCP NO.1759 of 2020. Now, he is in jail for more than one year. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having 7 previous cases and he is a history sheeted rowdy and he killed his own father. If he is released on bail, he will commit similar offence. She would further submit that investigation has been completed, final report also filed and now the case is pending in SC No.114 of 2020 on the file of the Principal

District Court, Salem. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that final report has been filed and the detention order under Act 14/1982 against the petitioner was set aside, and also considering the period of incarceration suffered by the petitioner, this Court is 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 No.5, Salem, 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 report before the trial Court on all hearing dates without fail.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) 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];

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

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

-sd/-  
02/02/2021

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 NO.5,  
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE  
AMMAPET POLICE STATION,  
SALEM DISTRICT.

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

CRL OP.20507/2020

Date :02/02/2021

MK:03/02/2021

WEB COPY