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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.20853 of 2021

Balaji

... petitioner

Vs.

The State rep by
The Inspector of Police,
T-4 Maduravoyal Police Station,
Crime No: 1040 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.1040 of 2021 pending investigation on the file of the respondent police.

For petitioner : Mr.V.Anandhan

For Respondent : Mr.N.S.Suganthan
Government Advocate

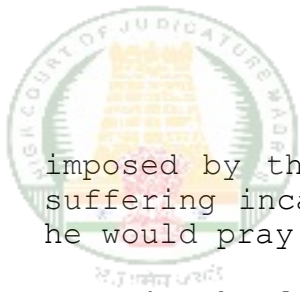
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.08.2021 for the offence under Section 302 of IPC, in Crime No.1040 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's husband (deceased) had given a sum of Rs.50,000/- to the petitioner as loan and thereafter, when he demanded for return of the money, the petitioner was postponing the same. While so, on 13.08.2021, when the deceased went to the house of the petitioner, there was a quarrel between the two and suddenly, the petitioner stabbed the deceased with knife on his neck and chest due to which, he died on the spot. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner does not have any motive to kill the deceased and the occurrence had happened only due to sudden provocation and that the petitioner is ready to abide by any stringent condition that may be



imposed by this Court. He would submit that the petitioner has been suffering incarceration for more than 90 days from 14.08.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner is the sole accused and during a wordy quarrel in respect of money transaction, the petitioner stabbed the deceased due to which, he died.

5. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate -II, Poonamallee, 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. for a period of eight weeks and thereafter, as and when required for interrogation.

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

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

(f) 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;



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

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-sd/-
16/11/2021

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.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
T-4, MADURAVOYAL POLICE STATION,

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. V.ANANDHAN Advocate on payment of necessary charges
SR.NO.12835

CRL OP.20853/2021

Date :16/11/2021

JPA 17/11/2021