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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM:

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

Cr1.O.P.No.21054 of 2021

Satham Usean @ Sathanusean

.. Petitioner

Vs.

State of Tamil Nadu
Rep.by its The Inspector of Police,
Keevalur Police Station,
Nagapattinam District.
(Crime No.1026 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner on bail in Crime No.1026 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.K.Syed Eliyas

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 14.09.2021 for the offences under Sections 294(b) and 302 of IPC, in Crime No.1026 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased are the son and father. On the date of occurrence, the petitioner has scolded the defacto complainant's husband/father of the petitioner in filthy language and attacked him with knife and as a result of which, the defacto complainant died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration for more than 50 days from 14.09.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate submits that investigation is almost completed and there is no previous pending against the petitioner.

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5. Considering the period of incarceration suffered by the petitioner and also considering the fact that there is no previous case 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 learned Judicial Magistrate-I, 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/-

10/11/2021

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

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1 THE JUDICIAL MAGISTRATE,
NO.I, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KEELVELUR POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.K.SYED ELIYAS Advocate on payment of necessary
charges SR.NO.12589

CRL OP.21054/2021

Date :10/11/2021

CSK 11/11/2021