



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

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

CrI.O.P.No.21778 of 2021

Pradeep

...Petitioner

Vs.

The State rep by its
The Inspector of Police,
NALLIPALAYAM Police Station,
Namakkal District.
Crime No.612 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.612 of 2021 on the file of the respondent Police.

For petitioner : Mr.W.Camyles Gandhi

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 02.10.2021 for the offence under **Section 174 of Cr.P.C @ 302 IPC**, in Crime No.612 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 01.10.2021, the defacto complainant's elder son had quarrelled the defacto complainant who is the mother of the deceased in a drunken mood and when it was questioned by the petitioner who is the brother of the deceased, there was a quarrel during which, the petitioner attacked the deceased with grinding stone due to which, he sustained injury and died. Initially, the family members suppressed the above issue and the case was registered under Section 174 Cr.P.C. and after enquiry, it was altered to Section 302 IPC.



3. The learned Counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been suffering incarceration for more than 45 days from 02.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raised objection and would submit that initially the case was registered under Section 174 Cr.P.C and after enquiry, it was altered to Section 302 IPC. He would submit that the petitioner is the sole accused and that the investigation is almost completed.

5. Considering the facts and circumstances of the case and 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.

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, Namakkal**, and on further conditions 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 on every Wednesday at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness during trial;

(d) the petitioner shall not abscond during 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.

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-sd/-
19/11/2021

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.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.13080

CRL OP.21778/2021

Date :19/11/2021

TA-22/11/2021