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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

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

Crl.O.P.No.22472 of 2021

SUNDARAM

...Petitioner

Vs.

The State by
S.I. Of Police
Indur Police Station
Dharmapuri District
Crime No.301 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.301 of 2021 on the file of the respondent police

For Petitioner : Mr.J.Bharathi Raja

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.09.2021 for the offences under Sections 294(b), 302 and 506(ii) of IPC in Crime No.301 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and her husband are running a Chicken stall. On 25.09.2021, the petitioner and the deceased came to the shop for buying chicken and the defacto complainant went inside the shop for cutting the chicken and when she came back, she found a sum of Rs.300/- was missing from the cash box. When she enquired about the same, the deceased told her that he saw the petitioner near the cash box. Hence, the defacto complainant enquired with the petitioner about the missing cash. At that time, the deceased told the defacto complainant that it was the petitioner who stole the money from the cash box. The petitioner got



agitated over the statement of the deceased and abused him in filthy language and stabbed him in his stomach by using knife due to which, he died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. Even as per the prosecution, out of sudden provocation, the alleged occurrence has happened and that the petitioner has been suffering incarceration for more than 60 days from 25.09.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection but admits that due wordy quarrel, the alleged occurrence had happened and the investigation is almost completed.

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

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-II, Dharmapuri, 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 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.

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-sd/-
26/11/2021

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, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
INDUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
DISTRICT JAIL, DHARMAPURI

CC to M/S. J.BHARATHI RAJA Advocate on payment of necessary charges

CRL OP.22472/2021

Date :26/11/2021

APN 29/11/2021