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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Cr1.O.P.No.25562 of 2021

Kalaiselvan

.. Petitioner

Vs.

State represented by
The Station House Officer
Virudhachalam Police station
Cuddalore District
Crime No.1067 of 2021

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C praying to enlarge the petitioner on bail in the Crime No.1067 of 2021 pending on the file of the respondent police.

For Petitioner : M/S.M.Selvam

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

O R D E R

The petitioner who was arrested and remanded to judicial custody on 10.10.2021 for the offences under Sections 294(b), 314 and 302 of IPC r/w Section 34 of IPC in Crime No.1067 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the father of the deceased. The deceased had love affair with one Thenmozhi and A1 had also loved the said Thenmozhi. Hence there was enmity between A1 and the deceased and that the petitioner is the friend of A1. While so, on 10.10.2021, while A1 along with the petitioner and other friends consuming liquor, there was a wordy quarrel between the accused and the deceased regarding the love affair. At that time, the accused persons joined together and stabbed the deceased with knife and later, called the ambulance and taken to hospital wherein, the doctor declared as brought dead. Hence the complaint.



3.The learned counsel for the petitioner would submit petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case based on the complaint given by the father of the deceased and he would further submit that A3 has been granted bail by this Court in CrI.O.P.No.24353 of 2021 dated 14.12.2021 and that the petitioner has been suffering incarceration for more than 74 days from 10.10.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (CrI. Side) would raise objection stating that there are totally 4 accused involved in this case and the petitioner is arrayed as A2. The petitioner along with his friends, out of wordy quarrel in a drunken mood, attacked the deceased due to which, the deceased succumbed to injuries but admits that the co-accused has been released on bail and that the investigation is almost completed.

5. Considering the fact that the co-accused has been released on bail by this Court 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, Virudhachalam, Cuddalore 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 stay at Pudukottai and report before the Town Police Station daily at 10.30 a.m. for a period of two months and thereafter, report before the respondent police as and when required for interrogation.

(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/-

23/12/2021

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, VIRUDHACHALAM, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE STATION HOUSE OFFICER,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO

THE INSPECTOR OF POLICE/STATION HOUSE OFFICER,
TOWN POLICE STATION,
PUDUKOTTAI.

+1 CC to M/S M.SELVAM Advocate on payment of necessary charges
SR.NO.15523

CRL OP.25562/2021

Date :23/12/2021

RW 23/12/2021