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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM:

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

Cr1.O.P.No.849 of 2022

Sekar

...Petitioner

Vs.

State by
Inspector of Police,
Arcot Town Police Station,
Ranipet District.
Cr. No.589 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.589 of 2021.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 31.10.2021 for the offences under Sections 447, 294(b), 307 and 506(II) IPC @ 302 of IPC, in Crime No.589 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the son of the deceased. The petitioner is the paramour of the deceased. The deceased had developed relationship with one Srinivasan. Aggrieved by the same, on the date of occurrence, the petitioner attacked the deceased and the said Srinivasan with blowing horn, due to which, they both sustained injuries. Later, the mother of the defacto complainant died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the alleged offence and he has been falsely implicated in this case. He would



further submit that the petitioner has been suffering incarceration for more than 80 days from 31.10.2021 and hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose stating that the investigation has been completed and if the petitioner is released on bail, there is every possibility of him getting abscond and tampering the evidence. He further submits that there is no previous case as against the petitioner.

5. Considering the facts and circumstances of the case and also the period of incarceration undergone by the petitioner and also there is no previous case as against the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the learned District Munsif cum Judicial Magistrate, Arcot, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure his identity;

(d) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];



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

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19/01/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARCOT.

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

3 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

4 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
RANIPET DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.P.ARTHI Advocate on payment of necessary charges

CRL OP.849/2022

Date :19/01/2022

RW 19/01/2022