



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.860 of 2022

Nandhakumar

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
T-3, Korattur Police Station
Chennai 600 062
(Crime No.1058 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 connection with the Crime No.1058 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Sugumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 23.10.2021 for the offences under Sections 341, 294(b), 325, 506(I) of IPC @ 341, 294(b), 302, 506(i) in Crime No.1058 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the mother of the deceased. The deceased was having illicit intimacy with the mother-in-law of the petitioner due to which, there was a quarrel between them. At that time, the petitioner attacked the deceased due to which, deceased sustained injuries and later died in the hospital. Hence, the complaint.

3. The learned Counsel for the petitioner submits 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 this the second bail application and the petitioner was suffering incarceration for 81 days from 23.10.2021 . Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that petitioner had wordy quarrel with the deceased and attacked the deceased due to which, the deceased sustained grievous injuries and later died in the hospital. He further submitted that petitioner has no previous case and the investigation was almost completed.

5. Considering the facts and circumstances of the case and also the fact that the investigation was almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with conditions.

[a] 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 out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Judicial Magistrate Ambattur, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioner shall appear before the respondent police daily at 5.00p.m., for a period of two months;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/01/2022

WEB COPY

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
T-3, KORATTUR POLICE STATION,
CHENNAI 600062.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S S.SUGUMAR Advocate on payment of necessary charges
SR.NO.631

CRL OP.860/2022

Date :12/01/2022

INBA-19/01/2022