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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Cr1.OP.No.10964/2022

Lingeshwaran

... Petitioner

Vs

State by it's,
Inspector of Police,
Walajabad Police Station,
Walajabad,
Kanchipuram District.

... Respondent

Prayer:- Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.129 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.L.Baskaran
Government Advocate
[Cr1.Side]

ORDER

(1)The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 05.03.2022 for the alleged offence punishable under Section 302 of IPC in Crime No.129 of 2022 on the file of the respondent police, seeks bail.

(2)The case of the prosecution is that the deceased and the petitioner are brothers and the defacto complainant is their mother. The deceased, in drunken mood used to torture his mother by demanding money for consuming liquor. On the date of occurrence, i.e., on 05.03.2022, the deceased, as usual started pestering his mother for money in drunken state and also assaulted her and the petitioner herein, who is the elder brother of the deceased, due to grave and sudden provocation, had attacked the deceased with a knife causing his death, resulting in registration of the case.



(3) The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the offence. It is further submitted that the entire occurrence took place due to sudden provocation and without any premeditation. It is also the submission of the learned counsel that the petitioner is undergoing incarceration for a period of 68 days and prays for enlargement of the petitioner on bail. Learned counsel also submitted that the petitioner is a college student and that if bail is not granted, his future would be in dark.

(4) The learned Government Advocate (Crl. Side) appearing for the respondent would strongly oppose for grant of bail to the petitioner as it is the case of murder and that the investigation is pending.

(5) Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner is a College student and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner.

(6) Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kanchipuram, Kanchipuram District and on further condition 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 once in a week at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
11/05/2022

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 JUDICIAL MAGISTRATE,
NO.II, KANCHIPURAM,
KANCHIPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, CHENGALPATTU.

4 THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
WALAJABAD, KANCHIPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary charges SR.NO. 6957

CRL OP.10964/2022

Date :11/05/2022

RW 11/05/2022