



Crl.O.P.No.19108 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.19108 of 2022

Krishnamoorthy

... Petitioner

Vs.

The State Rep by
The Station House Officer,
Ariyankuppam Police Station,
Pondicherry.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.49 of 2022 on the file of the respondent police namely Ariyankuppam Police Station, Vanur, Pondicherry.

For Petitioner : Mr.Prakash Adiadam

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.04.2022 for the offence under Section 302 of IPC in Crime No.49 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that there was a family dispute between the petitioner and his son and it is alleged that on 21.04.2022, the petitioner stabbed the deceased with knife, due to which he died. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the father of the deceased. Due to land dispute, the petitioner and the deceased started fight on that day and when the deceased attacked the petitioner with knife, the petitioner prevented the deceased from the attack. Unfortunately, there was a stab injury on the deceased. Immediately, he was taken to hospital and died. He further submitted that, the petitioner was arrested and remanded to judicial custody on 21.04.2022 and more than four months he has been incarcerated. Hence, he prays for grant of bail to the petitioner.

4. The learned Public Prosecutor (Pondy) appearing for respondent submitted that the petitioner stabbed the deceased with knife due to which he died. He further submitted that the investigation is still pending and hence he vehemently opposed to grant bail to the petitioner.



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5. It is seen that the petitioner is the father of the deceased and there was a family dispute between the family members and due to sudden provocation, the petitioner and the deceased fought with each other. When the deceased tried to attack the petitioner unfortunately he got stab injury. Considering the facts and circumstances of the case and also considering the period of incarceration by the petitioner from the date of his arrest viz., 21.04.2022, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, 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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-III, Pondicherry, 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 appear before the respondent police daily twice at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.



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

12.08.2022

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To

1. The Judicial Magistrate-III,
Pondicherry.
2. The Station House Officer,
Ariyankuppam Police Station,
Pondicherry.
3. The Central Prison,
Kalapet, Puducherry.
4. The Public Prosecutor,
High Court of Madras.
Chennai.



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G.K.ILANTHIRAIYAN, J.

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