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Crl.O.P.No.22885 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22885 of 2022

R.Naveen

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
Crime No.434 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.434 of 2022 on the file
of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 19.07.2022 for the offences punishable under Section 302 of IPC, in Crime No.434 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to money dispute, on 19.07.2022, the petitioner had assaulted the defacto complainant with knife resulting in him sustaining injuries and he died on the spot. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that there is no eye witness to the occurrence and the body of the deceased was found on the road and the wife of the deceased on account of an existing enmity, has preferred the complaint suspecting the petitioner to be the accused. He would also submit that the petitioner is in custody from 19.07.2022 and has got no other cases as against him and he is also prepared to abide by any stringent conditions that may be imposed on him. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side)



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appearing for the respondent would submit that the petitioner, due to previous enmity on account of money dispute in real estate transactions, had assaulted the victim with knife and he had died on the spot. He would also submit that the investigation is also pending. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the fact that the petitioner is in custody from 19.07.2022 and there is no previous case as against the petitioner and also there is no eye witness to the occurrence, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of



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the learned Judicial Magistrate-I, Namakkal, 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 Chennai and report before the Inspector of Police, North Beach Police Station, Chennai, daily 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 abscond, a fresh FIR



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can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate-I, Namakkal.
2. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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