



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

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

Crl.O.P.No.25809 of 2021

Karthikeyan

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Vanapuram Police Station,
Tiruvanamalai District.
Cr.No.120 of 2019.

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.120 of 2019, on the file of the respondent police.

For Petitioner : Mr.R.Chakkaravarthy

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 23.04.2019 for the offence under Section 302 IPC in Crime No.120 of 2019, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 23.04.2019, the petitioner, assaulted his father with deadly weapon and thereby, he has sustained injuries and died in front of the house. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the investigation has been completed and the charge sheet has been filed and the same has been taken on file in P.R.C.No.2 of 2020 on the file of the learned District Munsif cum Judicial



Magistrate, Thandrapet, Tiruvannamalai, and that the petitioner has been suffering incarceration for more than 1 ½ years from 23.04.2019. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection but admits that the charge sheet has been filed and the same has been taken on file in P.R.C.No.2 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Thandrapet, Tiruvannamalai, and the next hearing is on 04.01.2022 and that there is no previous case against the petitioner.

5. Considering the fact that the charge sheet has been filed and the same has been taken on file in P.R.C.No.2 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Thandrapet, Tiruvannamalai and there is no previous case against the petitioner also considering the period of incarceration undergone by 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) each out of which, one surety shall be the blood relative of the petitioner, before the learned District Munsif-cum-Judicial Magistrate, Thandrapet, Tiruvannamalai, 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 their identity;

(d) the petitioner shall appear before the trial Court on all hearings without fail and co-operate for the trial and also report before the respondent police on every Saturday 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 during trial;

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



(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

03/01/2022

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, THANDRAMPET,
TIRUVANNAMALAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
VANAPURAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.CHAKKARAVARTHY Advocate on payment of necessary charges SR.NO.17

CRL OP.25809/2021

Date :03/01/2022

RW 04/01/2022