



CrI.O.P.No.26453 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

CrI.O.P.No.26453 of 2022

Vijayaragavan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Virudampet Police Station,
Vellore District.

(Crime No.231/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.231
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.Adhithya Varadarajan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2022, for the offences punishable under Section 307 IPC @ 302 IPC, in Crime No.231 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant one Venkatesan, who is a Village Administrative Officer, is that while he was in his usual rounds on 22.08.2022 near Auxilium College road, he had seen an unidentified person lying with a stabbed injuries on his neck with profuse bleeding and he immediately called an Ambulance and sent the injured person to the hospital. Based on his complaint originally a case in Crime No.231 of 2022 was registered for the offence under Section 307 IPC and later the victim died on 24.08.2022. During the course of investigation, it was found that the deceased was a customer in a saloon and the petitioner/accused is the barber in the saloon and for non payment of money, the petitioner had assaulted the victim with shaving blade, due to which he



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sustained injuries in his throat and therefore, the offence has been altered to one under Section 302 IPC. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, who is working in a saloon and when the victim, who is a person from North India, had come to his saloon and there was a dispute between them regarding the non payment of money and during such time, this incident had happened. He would also submit that this is an accident and the petitioner has no intention or motive to commit murder of the victim. He would also submit that the petitioner has been in custody from 06.09.2022 and there is no bad antecedents as against him. He would also state that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is a barber and the victim had come to his saloon to have a hair cut and during such time, there was a quarrel between them due to non payment of money, due to which, the



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petitioner had slitted the victim's throat by the shaving knife and the victim died on 24.08.2022. He would also submit that the major part of the investigation is over and there is no previous case as against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that the major part of the investigation is over and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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 the **learned Judicial Magistrate III, Vellore District**, and on further conditions that:



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[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 everyday at 10.30 a.m. and 5.30p.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 can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate III,
Vellore District.
2. The Inspector of Police,
Virudampet Police Station,
Vellore District.
3. The Central Prison,
Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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