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Crl.O.P.No.29695 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

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

Crl.O.P.No.29695 of 2022

Vinoth

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Arakkonam Town Police Station.

(Crime No.194 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.194 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Gunasekaran

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



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ORDER

The petitioner, who was surrendered and remanded to judicial custody on 13.10.2022, for the offences punishable under Section 302 IPC, in Crime No.194 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Rukku is that her son/victim and the petitioner are friends and they used to quarrel each other with regard to the money dispute. While so, on 16.07.2022, the de-facto complainant had received an information that somebody has murdered her son by stabbing him indiscriminately with knife. She had suspected the petitioner to be behind the murder. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and only based on the suspicion, he has been falsely roped-in in this case. He further submitted that even as per the complaint given by de-facto complainant, the petitioner and the victim are friends and further there is no witness to the occurrence. He also stated that the petitioner has been implicated in this case only based on the



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circumstantial evidence and that there is no material as against the petitioner, as if he had committed murder of the victim. He also submitted that on the pressure given by the respondent, the petitioner has surrendered before the Court on 13.10.2022 and he is in custody for more than a month. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that due to the financial dispute, the petitioner had committed murder of the de-facto complainant's son by stabbing him indiscriminately with knife, due to which, the victim died on the spot. He also stated that the major part of the investigation is over. Hence, he oppose for grant of 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.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, 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 the **learned Judicial Magistrate, Arakkonam**, 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 Villupuram and report before the Inspector of Police, Villupuram Town Police Station, everyday at 10.30 a.m. and 5.30 p.m., until further orders;

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



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[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.

01.12.2022

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To

1. The Judicial Magistrate, Arakkonam.
2. The Sub-Inspector of Police,
Arakkonam Town Police Station.
3. The Central Prison, Vellore.
4. The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
5. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA., J.

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