



WEB COPY



CrI.O.P.No. 28978 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.28978 of 2023

Viswanathan
Aged about 34 years,
Son of Rajendiraan,
No.74, Vinayagarkoil street,
Manappakkam,
Siruvathur post,
Cuddalore District.

... Petitioner

Vs.

The State by S.H.O
Muthandikuppam Police Station,
Panruti Taluk,
Cuddalore District,
(Cr.No.371/2020)
(S.C.No.123/2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.371 of 2020
pending on the file of the respondent Police.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

The petitioner who was arrested and remanded to judicial custody on 20.04.2023 for the offences punishable under Sections 302 and 397 of IPC in Crime No.371 OF 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner's grandmother was found dead in her house and her 3 sovereigns of gold chain worth about Rs.45,000/- was stolen from her neck. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 20.04.2023 and hence, he seeks for granting of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioner along with the other accused had murdered the defacto complainant's grandmother and had stolen 3 sovereigns of gold chain worth about Rs.45,000/- from her neck. Hence, she opposed for granting of



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bail to the petitioner.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions made on either side and considering the fact that the investigation is completed and charge sheet has been filed and the case is posted for framing of charges and also taking into consideration the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Panruti and on further conditions that:

[b] the petitioner shall report before the learned Judicial Magistrate No. I, Panruti daily at 10.00 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or



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trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

29.12.2023

ssa/ay

To

1. The Judicial Magistrate No.I, Panruti.

2. The S.H.O.,
Muthandikuppam Police Station,



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Panruti Taluk,
Cuddalore District.

3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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