



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12520 of 2021

Selvakumar

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Karuvepillankurichi Police Station,
Cuddalore District.
Crime No.91 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner/accused on bail in connection with the Crime No.91 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.U.Gowrishankar

For Respondent : Mr.A.Gopinath
Government Advocate(Crl. side)

ORDER

The petitioner who are arrested on 18.04.2021 for the offence under Section 174 (1) of Cr.P.c and subsequently altered to 109,302,201 of I.P.C in Crime No.91 of 2021, on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that there was illicit relationship between the grand father and mother of A1. The petitioner herein arrayed as A2 and he is known to A1 and there was some family dispute between the petitioner's family and the defacto complainant's family. While so some unknown persons have assaulted the father of the defacto complainant and caused his death. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is nothing to do with the alleged offence as stated by the prosecution and he is in custody from 18.04.2021. Hence, he learned counsel prays to grant bail to



4.The learned Government Advocate (Crl. Side) submits that the petitioner committed the murder of the defacto complainant's father. He further submits that there is no previous case pending against the petitioner. Hence he vehemently opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and there is no previous case pending against him, this Court is inclined to grant bail to the petitioner with following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned **Judicial Magistrate-II, Virudachalam**, and on further condition 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 is directed to appear before the respondent police daily morning at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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 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]**; and;

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

-sd/-
26/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE-II,
VIRUDACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARUVEPILLANKURICHI POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S. U.GOWRISHANKAR Advocate on payment of necessary
charges SR.NO.7744

CRL OP.12520/2021

Date :26/07/2021

TA-27/07/2021