



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12645 of 2021

Kumar

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Kaveripattinam Police Station,
Kaveripattinam, Krishnagiri district.
Crime No.206 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.206 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who was arrested on 12.06.2021 and remanded to judicial custody for the offence under Section 302 of IPC in Cr.No.206 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is arrayed as A1 in this case. The petitioner along with other accused including the wife(A6) of the deceased, conspired together and attacked the victim with wooden log on his head and all over the body. As a result, he died on the spot. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner and other accused.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and co-accused A2,A3,A4 and A8 were arrested and released on bail by this Court and the petitioner has been in jail from 12.06.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the defacto complainant is the Son of the first wife of the deceased. The deceased had three wives and



he is currently living with his 3rd wife. She has an illegal intimacy with the petitioner/A1. When the same was questioned by the deceased, on instigation of his wife/A6, the petitioner along with other accused persons including the 3rd wife of the deceased, had brutally murdered the deceased and there is no previous case pending against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and further investigation has also been completed and there is no previous case pending against him, this Court is inclined to grant bail to the petitioner subject to the 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-I, Krishnagiri, 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/-

22/07/2021

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

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.12645/2021

Date :22/07/2021

TA-23/07/2021