



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22827 of 2021

Kalaiyarasan

...Petitioner

Vs.

The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
Crime No.490 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.490 of 2021 pending on the file of the respondent police.

For Petitioner : M/s.Karan and Uday

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 17.09.2021 for the offence under Section 302 of IPC, in Crime No.490 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that one Kirubairaj (deceased) is the brother of the de facto complainant. There was a illicit intimacy between the deceased and one Kalaimani/A2. Further, the said kalaimani/A2 was also having illicit intimacy with the petitioner/A1 due to which, there was enmity between the deceased and the petitioner. While being so, on 17.09.2021, the petitioner called the Kirubairaj to settle the issue between them and at the time, there was a quarrel arose between them during which, the petitioner stabbed the deceased with knife and caused his death. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this and that the petitioner has been suffering incarceration for more than 70 days from 17.09.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection but admits that both the accused have been arrested and that the investigation is almost completed.

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5. Considering the facts and circumstances of the case and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Salem District, 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 report before the respondent police on every Wednesday and Saturday at 10.30 a.m. 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 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]; and;

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

-sd/-

30/11/2021

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

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1 THE JUDICIAL MAGISTRATE,
NO.II, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.KARAN AND UDAY Advocate on payment of necessary
charges

CRL OP.22827/2021

Date :30/11/2021

CSK 01/12/2021