



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Crl.O.P.No.25484 of 2021

Rajasekar

... Petitioner

Vs.

State by
The Inspector of Police
Arni Taluk Police Station
Thiruvannamalai District
Crime No.1238 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.1238 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.S.Ramesh

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 20.10.2021 for the offence under Sections 294(b), 307, 506(ii) @ 294(b), 302 of IPC, in Crime No.1238 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to partition of ancestral house, there was a dispute between the de facto complainant and the petitioner. While so, on 19.10.2021, the petitioner came to the de facto complainant's place at about 7.30 p.m. At that time, they had a wordy quarrel and later at about 12.30 a.m. while the de facto complainant was sleeping in the terrace of his house, the petitioner poured petrol on the defacto complainant and set him on fire. The de facto complainant who was unable to bear the pain, jumped from the terrace to the adjacent open vacant land nearby his house and thereafter, he was admitted in the hospital and subsequently, the case was lodged against the petitioner. Later on 21.10.2021, the defacto complainant died. Hence, the complaint.



3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and due to family dispute, a false case has been foisted against the petitioner. He would further submit that this is the second application for bail and that the petitioner has been suffering incarceration for 65 days from 20.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would strongly object stating that the petitioner is the sole accused and he is the own brother of the deceased and that he murdered the deceased while the deceased was sleeping in the terrace by pouring petrol on him and setting fire on him but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that 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, Arni, Thiruvannamalai 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 petitioners shall stay at Salem and report before the Asthampatty Police Station daily at 10.30 a.m. for a period of 2 months and the petitioner shall also co-operate for the trial proceedings without fail.

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

(d) the petitioners 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.

WEB COPY

-sd/-
23/12/2021

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

1 THE JUDICIAL MAGISTRATE,
ARNI, TIRVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ARNI TALUK POLICE STATION,
THIRUVANNAMALAI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
STATION HOUSE OFFICER,
ASTHAMPATTY POLICE STATION,
SALEM.

+1 CC to M/S.B.S.RAMESH Advocate on payment of necessary charges
SR.NO.15453

CRL OP.25484/2021

Date :23/12/2021

JPA 23/12/2021