



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM:

THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

Cr1.O.P.No.5063 of 2022

K.Karthi

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Arni Town Police Station,
Arni, Thiruvannamalai District.
(Crime No.1089 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.1089 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Arockia Dass

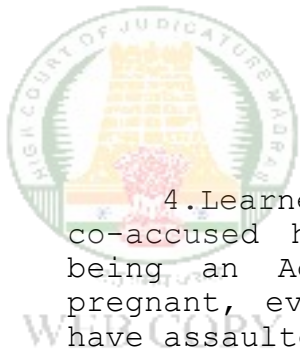
For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner/A3, who was arrested and remanded to the judicial custody on 19.01.2022 for the offences punishable under Sections 341, 294(b), 323, 324, 307 and 506(ii) of IPC @ 302 of IPC in Crime No.1089 of 2021, on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3.This petitioner is arrayed A3. He also claimed that he is practicing Advocate in Arani Town. However, as per the F.I.R., it appears that the petitioner herein has arranged the other accused to eliminate the deceased due to previous enmity and therefore, on 04.11.2021, the deceased was intercepted and attacked with stone on his head. The victim was admitted in the hospital, later succumbed to the injury. Therefore, F.I.R registered for major offence under section 307 I.P.C. was altered to 302 I.P.C. and the petitioner was subsequently arrested.



4.Learned counsel for the petitioner would submit that the other co-accused have already been released on bail. This petitioner, being an Advocate by profession and his wife is three months pregnant, even according to the Accident Register, only two persons have assaulted the victim.

5.Learned Additional Public Prosecutor appearing for the respondent submitted that the motive for attacking the deceased is spelt out by the deceased himself and the evidence so far collected clearly shows that this petitioner had been reined behind the incident. Further, this petitioner has come to the adverse notice of police and two traffic violation cases are already pending against him.

6.Considering the fact that the investigation is completed and the final report has also been filed before the committal court, this Court is of the view that the petitioner shall be released on bail

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Arani.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to stay at Cuddalore and report before the Cuddalore OT Police for a period of 30 days at 10.30 a.m.

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

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions has 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];



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

-sd/-

04/03/2022

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,
ARANI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE OFFICER INCHARGE,
CUDDALORE OT POLICE STATION,
CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE,
ARNI TOWN POLICE STATION,
ARNI, THIRUVANNAMALAI DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

7 THE CHAIRMAN, BAR COUNCIL OF
TAMIL NADU AND PUDUCHERRY,
HIGH COURT CAMPUS, CHENNAI-104.

CC to M/S.DASS AND VISWA ASSOCIATES Advocate on payment of
necessary charges Sr.3324

CRL OP.5063/2022

Date :04/03/2022

RVR 07/03/2022