



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11488 of 2022

K.ELAVARASAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
B3 KANCHI TALUK POLICE STATION,  
KANCHIPURAM.  
CRIME NO.187/2022

[ RESPONDENT ]

For Petitioner : M/S L.NARAYANAN Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate ( Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.03.2022 for the altered offence under Section 120 B and 302 of IPC in Crime No.187 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was an election dispute and the petitioner along with four accused persons attacked the deceased with knife and caused stab injuries to the deceased all over the body. The petitioner has been ranked as A1.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The learned counsel further submitted that the petitioner has already suffered incarceration for nearly 79 days. According to the learned counsel for the petitioner, the petitioner has been roped in only on the ground of criminal conspiracy and there are absolutely materials to sustain such this charge against the petitioner.



4. Per contra, the learned Government Advocate (criminal side) submitted that the election dispute resulted in the deceased being attacked by the accused persons with knife indiscriminately all over his body and as a result of the same, the deceased died on the spot. The learned Government Advocate further submitted that the knife was recovered under Section 27 of the Indian Evidence Act only on the confession given by the petitioner. It was further submitted that the investigation is yet to be completed and the reports are awaited.

5. This Court has carefully considered the materials available on record and the submissions made on either side.

6. This is a case where the deceased is said to have been attacked by the accused persons due to an election dispute. There are totally five accused persons in this case. The petitioner has been arrayed as A1. Except for the receipt of reports, the investigation has been completed in all the other aspects. The petitioner has already suffered incarceration for nearly 79 days and there are no previous cases against the petitioner. In view of the same, this Court is inclined to enlarge the petitioner on bail subject to stringent 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.2, Kanchipuram, 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 daily at 10.30 a.m and 5.30 p.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 petitioners 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

18/05/2022

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,  
NO.II, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU. [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,  
B3 KANCHI TALUK POLICE STATION,  
KANCHIPURAM.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2 CC to M/S L.NARAYANAN Advocate on payment of necessary charges SR.NO. 7132

CRL OP.11488/2022

Date :18/05/2022

RW 18/05/2022