



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.14140 of 2022

Harikrishnamoorthy

..Petitioner/A1

Vs.

State rep by
Inspector of Police,
Virinchipuram Police Station,
Vellore District
crime No.135 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.135 of 2022 pending investigation on the file of the respondent police.

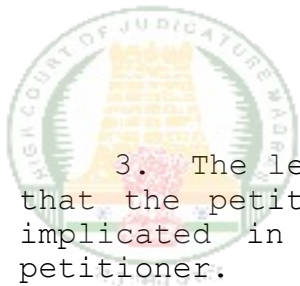
For Petitioner : Mr.M.Mariappan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.05.2022 for the offence punishable under Section 302 of IPC in crime No.135 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner and the other accused persons and the deceased i.e. Boopalan were friends and on 01.05.2022, the petitioner under the influence of alcohol along with his friend Harikrishnaraj and others murdered the deceased and threw his dead body in a thorn and upon getting the information, the Village Administrative Officer of Abdullapuram Village preferred the complaint and the petitioner voluntarily surrendered before police on the next day of occurrence.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner and the deceased and other accused persons are friends. There was a wordy quarrel while consuming alcohol by them. At that time, the petitioner and other accused persons attacked the deceased with stone on head, thereby he died on the spot. He would further submit that investigation has been completed and they are about to file final report.

5. It is seen that there was a wordy quarrel between the petitioner and the deceased while drinking alcohol. There are two accused, in which the petitioner is arrayed as A1. He himself surrendered before the police and he was remanded to judicial custody on 02.05.2022.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 02.05.2022, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Vellore 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 stay at Kalpakkam and report before the Inspector of Police, Kalpakkam Police Station, Kalpakkam daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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].



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

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-sd/-
20/06/2022

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.IV, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VIRINCHIPURAM POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE
KALPAKKAM POLICE STATION, KALPAKKAM

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary charges SR.NO.9506

CRL OP.14140/2022

Date :20/06/2022

JPA 20/06/2022