



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

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

CrI.OP.No.14770 of 2022

Suresh

..Petitioner/A1

Vs.

The State rep by
The Inspector of Police,
Kottur Police Station,
Thiruvarur District
crime No.90 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.90 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Senthil

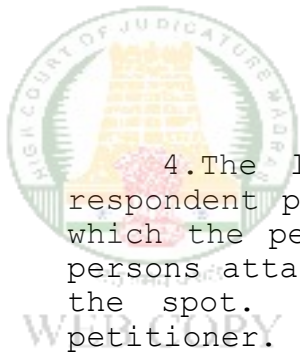
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.04.2022 for the offence punishable under Sections 341, 294(b), 109, 506(ii), 302 of IPC in crime No.90 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that wife of the first accused had illegal intimacy with the deceased and the same was questioned by A1. Therefore, the wife of the first accused committed suicide, due to which the first accused along with other accused persons intended to do away the life of the deceased who had illegal intimacy with the first accused's wife and attacked with deadly weapons. Therefore, he died on the spot. Hence, the case.

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. He would further submit that A2 was already granted bail by this Court in CrI.OP.No.14580 of 2022 on 24.06.2022. Hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally three accused, in which the petitioner is arrayed as A1, who along with other accused persons attacked the deceased with deadly weapons, thereby he died on the spot. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally three accused, in which the petitioner is arrayed as A2. The first accused's wife had illegal intimacy with the deceased and the same was questioned by the first accused. Therefore, the wife of the first accused committed suicide. Therefore, there was a previous enmity between both the family members and on the occurrence day, the petitioner and his family members attacked the deceased with wooden log and aruval. As such, he sustained grievous injuries and died. All the co accused were arrested and released on bail.

6. Considering the above facts and circumstances of the case and also considering that A2 was already enlarged on bail by this Court in CrI.OP.No.14580 of 2022 on 24.06.2022, 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-II, Mannargudi 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 Ariyalur and report before the Inspector of Police, Ariyalur Police Station, Ariyalur daily at 10.30 a.m. and 05.30 p.m. for a period of two 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.

-sd/-

27/06/2022

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.II, MANNARGUDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR(FOR INFORMATION)

3 THE INSPECTOR OF POLICE
KOTTUR POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

6 THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR

CC to M/S.N.SENTHIL Advocate on payment of necessary charges
Sr.10065

CRL OP.14770/2022

Date :27/06/2022

RVR 28/06/2022