



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

CrI.OP.No.15464 of 2022

Kumar

..Petitioner/ A2

Vs.

State rep.by its
The Inspector of Police,
Kolathur Police Station,
Salem District
crime No.137 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.137 of 2022 pending investigation on the file of the respondent police.

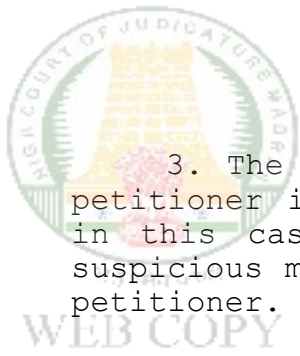
For Petitioner : Mr.C.Deepak Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.05.2022 for the offences punishable under Section 302 of IPC in crime No.137 of 2022 on the file of the respondent police, seeks bail

2. The case of the prosecution is that A1 was working in a private company at Chennai and the defacto complainant's relative one, Kavitha was married to A1. After the marriage, there was family dispute between them and his wife left to her parental home. Thereafter, she called the defacto complainant's son to help her in taking her materials from the matrimonial home. Therefore, the said person came and broke the lock of A1's house for taking the materials. In this regard, on 03.05.2022, there was a wordy quarrel aroused between them. On 04.05.2022, A1 murdered the said person. Hence, the case.



3. The learned counsel 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 the deceased died in suspicious manner only. Therefore, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally two accused and the petitioner is arrayed as A2. On the date of occurrence, A1 assaulted the deceased with iron rod on head. He would further submit that as far as the petitioner, he went with A1.

5. There are totally two accused, in which the petitioner is arrayed as A2. Even according to the case of the prosecution, A1 had family dispute with his wife, due to which the wife of the first accused sought for help. As such, the deceased came and broke open the lock to take household articles of A1's wife. At that juncture, the petitioner went to the house of the first accused along with A1 and he was also present in the scene of occurrence. There, the first accused attacked the deceased with iron rod. As such, he sustained grievous injuries and died. As far as the petitioner, he was also present in the scene of occurrence and there is no specific overt act as against him.

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. 05.05.2022, 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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Mettur 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 Chennai and report before the Inspector of Police, Tharamani Police Station, Chennai 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.

-sd/-

05/07/2022

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.I, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE INSPECTOR OF POLICE,
THARAMANI POLICE STATION,
CHENNAI.

CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges

CRL OP.15464/2022

Date :05/07/2022

TA-06/07/2022