



CrI.OP.No.16518 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

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

CrI.OP.No.16518 of 2022

Selva kumar

..Petitioner

Vs.

The 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 on the
file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.05.2022 for the offence punishable under Section **302 of IPC** in crime No.137 of 2022 on the file of the respondent police, seeks bail.

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



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3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case. He further submitted that, due to previous enmity, false case has been foisted. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that on the date of occurrence, the petitioner assaulted the deceased with iron rod on head, due to which, the deceased sustained grievous injuries and died. He further submitted that this is the third bail petition filed by the petitioner. However, he opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 06.05.2022, this Court is inclined to grant bail to the petitioner.



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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 blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, 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 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



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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.

15.07.2022

Sma

To

- 1.Judicial Magistrate No.I,
Mettur.
- 2.The Inspector of Police,
Kolathur Police Station,
Salem District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

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