



Crl.OP.No.21031 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

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

Crl.OP.No.21031 of 2022

Kumaresan

...Petitioner

Vs.

State represented by
Inspector of Police,
Eruvanchery Police Station,
Gudvasal Taluk, Thiruvarur District.
(Crime No.162 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.162 of 2022 on the file of the respondent.

For Petitioner :Mr.M.J.Srinivas

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



CrI.OP.No.21031 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.06.2022 for the offences punishable under Sections **147, 148, 294(b), 341 and 302 of IPC** in crime No.162 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, on an earlier occasion, A1's father was murdered by the deceased and as a retaliation, the petitioner along with others committed murder of the defacto complainant's son. Hence, the case.

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

4. The learned Additional Public Prosecutor submitted that the petitioner also present in the scene of occurrence. Hence, he opposed for grant of bail to the petitioner.



Crl.OP.No.21031 of 2022

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5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of arrest i.e., 20.06.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on 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 District Munsif-Cum-Judicial Magistrate, Nannilam** 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 Salem and report before Shevvapet Town Police Station twice daily at 10.30.a.m., and 05.30.p.m., for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation



Crl.OP.No.21031 of 2022

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 abscond, a fresh FIR can be registered under Section 229A IPC.

02.09.2022

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CrI.OP.No.21031 of 2022

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To

1. District Munsif-Cum-Judicial Magistrate,
Nannilam.
2. Inspector of Police,
Eruvanchery Police Station,
Gudvasal Taluk, Thiruvarur District.
3. Central Prison,
Trichy.
4. The Public Prosecutor,
High Court of Madras



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Crl.OP.No.21031 of 2022

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.21031 of 2022

02.09.2022