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Crl.O.P.No.22124 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22124 of 2022

Karthikeyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D-2, Anna Salai Police Station,
Chennai - 600 005.

(Crime No.111/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.111 of 2022 on the file of the respondent Police.

For Petitioner : Mr.K.Purushothaman

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.05.2022 for the offences punishable under Sections 147, 148 & 302 of IPC, in Crime No.111 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the owner of the rehabilitation centre, along with in-mates/accused brutally assaulted the victim, who was admitted in the rehabilitation centre, due to which, he died. Hence the case.

3. The learned counsel appearing for the petitioner would submit that reading of the First Information Report will show that the case has been foisted for the purpose of extracting money from the petitioner. He would further submit that even as per the complaint of the de-facto complainant, the victim was earlier admitted in the rehabilitation centre and got cured and thereafter, he once again admitted due to his addiction towards alcohol. He would also submit that if at all the statement of the de-facto complainant is true that the petitioner had warned that the victim would be assaulted, there



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is no reason for the de-facto complainant to bring the victim to the home again. The learned counsel would further submit that other inmates, who are also addicted to alcohol, have assaulted the victim in the absence of the petitioner, but the petitioner has also been implicated in this case. He would also submit that the petitioner has been in custody from 06.05.2022 and the co-accused in this case has been granted anticipatory bail by this Court in Crl.O.P.No.10959 of 2022 dated 18.05.2022 and also there is no bad antecedents against the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is arrayed as A1 in this case. He would further submit that the victim, due to his addiction towards alcohol, has been admitted as the patient in the rehabilitation centre of the petitioner and since the victim had informed about the brutality committed by the petitioner, some of the patients had gone out of the rehabilitation centre and in order to take revenge, the petitioner along with other inmates have brutally assaulted the victim with sticks and iron road, due to which, the victim sustained grievous injuries and had died in the centre itself. He would also



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submit that there is no previous case as against the petitioner and the respondent has completed the investigation and filed the final report in P.R.C.No.103 of 2022 and it is pending committal on the file of the II Metropolitan Magistrate, Egmore, Chennai. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that the investigation has been completed and also considering the period of incarceration undergone by the petitioner from 06.05.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of



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the learned II Metropolitan Magistrate, Egmore, Chennai, 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 II Metropolitan Magistrate, Egmore, Chennai, everyday at 10.30 a.m. without fail, until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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];**



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

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To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
D-2, Anna Salai Police Station,
Chennai - 600 005.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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