



Crl.O.P.No.22407 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM

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

Crl.O.P.No.22407 of 2022

K.Rasu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
V7 Nolambur Police Station.

(Crime No.286 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.286 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.Vandhiyathevan Veera

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



Crl.O.P.No.22407 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2022 for the alleged offence punishable under Section 302 IPC, in Crime No.286 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that her younger son was a robbery accused, who was confined in jail and when he had come back from prison, he had been often troubling the petitioner, who is the younger brother of the deceased and other family members by demanding money to drink and unfortunately, during wordy quarrel, the petitioner strangled him with belt, due to which, he died. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that even as per prosecution, the deceased is a robbery accused and after coming out of the prison, he harassed the entire family members and during quarrel, this incident had happened. He would further submit that the incident had happened at the spur of the moment and the petitioner has no



Crl.O.P.No.22407 of 2022

intention or motive to commit murder of his brother. He would also submit that the petitioner has been in custody from 22.06.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased is a robbery accused who harassed his family members by demanding money, due to which, there raised a quarrel between the deceased and his elder brother/petitioner, in which the petitioner strangled the neck of the deceased with his belt and committed fratricide. He would also submit that there is no previous case against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and considering the petitioner being in custody from 22.06.2022, this Court is inclined to grant bail to the petitioner.



CrI.O.P.No.22407 of 2022

WEB COPY

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 the **learned Judicial Magistrate, Ambattur**, 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 everyday at 10.30 a.m. and 05.30p.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**



CrI.O.P.No.22407 of 2022

5560];

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

16.09.2022

ham

To

1. The Judicial Magistrate,
Ambathur.
2. The Inspector of Police,
V7 Nolambur Police Station.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.22407 of 2022

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.22407 of 2022

16.09.2022