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Crl.O.P.No.23143 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

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

Crl.O.P.No.23143 of 2022

Karthikeyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kandili Police Station,
Thirupathur District.
Crime No.173 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail concerned in Crime No.173 of 2022
on the file of the Inspector of Police, Kandili Police Station, Thirupathur
District on such terms and conditions as that may be imposed by this Hon'ble
Court in the facts and circumstances of the case.

For Petitioner : Mr.C.Prabakaran

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 01.07.2022 for the offences punishable under Sections 174(i) of Cr.P.C @ Section 34 r/w 302 of IPC, in Crime No.173 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the 2nd accused, who is the daughter-in-law of the deceased had enmity with her mother-in-law and she had engaged A1 and A3 to commit murder of his mother-in-law. Thereby, the accused had entered into the house of the defacto complainant and committed the murder of the wife of the defacto complainant by strangulating her using Duppatta. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that even as per the First Information Report, there are no eye witness to the occurrence and the petitioner has been implicated only based on the confession statement recorded from the daughter-in-law of the deceased. He would also submit that the petitioner and the other accused are known to A2 as her friends and the petitioner has not committed any offence. Therefore, he



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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 a friend of A2, who is a lady and she had dispute with her mother-in-law, thereby, she had engaged the petitioner and A3 to commit the murder of her mother-in-law. Pursuant to that the petitioner and the other accused committed the murder of A2's mother-in-law by strangulation. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner from 01.07.2022, 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**



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Thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court-II, Thiruppathur**, 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 Cuddalore and report before the Inspector of Police, Old Town Police Station, Cuddalore, 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]**;



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

23.09.2022

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To

1. The Judicial Magistrate Court-II, Thiruppathur.
2. The Inspector of Police,
Kandili Police Station,
Thirupathur District.
3. The Inspector of Police,
Old Town Police Station,
Cuddalore.
4. The Superintendent,
Central Prison,
Vellore.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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