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Crl.O.P.No.25173 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

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

Crl.O.P.No. 25173 of 2022

Sathish Kumar @ Sathish

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
J 13 - Kundrathur Police Station,
Kundrathur,
Kancheepuram.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.566/2022 on the file of T-13, Kundrathur Police, Kancheepuram District.

For Petitioner : Mr.MPrabhakar

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 16.08.2022 for the offences punishable under Section 302 of IPC in Crime No.566 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that due to the matrimonial dispute, the petitioner assaulted the de-facto complainant's brother with iron rod, due to which, he sustained serious injuries and when he was taken to the hospital, he was declared as brought dead. Hence, the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and the incident had happened during the fight on account of the matrimonial dispute of his sister. He would further submit that the petitioner's sister was married to the deceased/victim and the victim had constantly harassed the petitioner's sister and when it was questioned by the petitioner there arose a quarrel and during such time, this incident had happened. He would further submit that the incident had happened at the spur of the moment and the petitioner has no intention or



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motive to commit murder of his brother-in-law. He would also submit that the petitioner has been in custody from 16.08.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner, who is the brother-in-law of the deceased, due to the matrimonial dispute, had assaulted the victim with iron rod, due to which, the victim dead. He would also submit that investigation is pending in this case and hence, he oppose to grant bail to the petitioner.

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

6. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



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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, Sriperumbudur**, 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., 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



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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.

18.10.2022

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To

1. The Judicial Magistrate, Sriperumbudur.
2. The Inspector of Police,
J 13 - Kundrathur Police Station,
Kundrathur, Kancheepuram.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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