



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

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CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25246 of 2021

Thanikaivel

...Petitioner

Vs.

The State by
The Inspector of Police,
Arni Town Police Station,
Tiruvannamalai District.
(Crime No.1047 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in connection with the Crime No.1047 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Rebecca

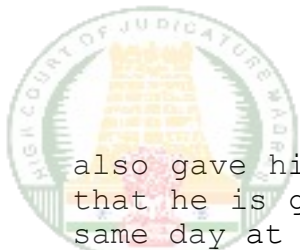
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

Cr1.O.P.No.25246 of 2021

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 15.10.2021 for the offence under **Section 302 IPC**, in Crime No.1047 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased is the younger son of the de facto complainant. The deceased who was addicted to alcohol, used to threaten and demand money from his father/de facto complainant for consuming alcohol. On 13.10.2021 at about 7.00 p.m., the deceased demanded money from the de facto complainant and he refused the same. Hence, the deceased called his sister Kalaiselvi over phone and asked her to tell his father to give him money and subsequently, she called the defacto complainant and told him to give money to the deceased and that the defato complainant



also gave him money. After receiving the money, the deceased told him that he is going to consume alcohol along with the petitioner. On the same day at about 8 p.m., the defacto complainant heard that there was some dispute between the deceased, petitioner and one Jeeva. Hence, the defacto complainant went to the spot wherein, he was informed that the petitioner had taken the deceased to his house. Thereafter, on 14.10.2021, the de facto complainant received an information from his brother's son Suresh that his younger son Yuvaraj/deceased was found dead near Thirumalai Samuthiram lake and he also informed that the petitioner had murdered him by throwing stone on his head. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would submit that this is the second application for bail and the earlier application was dismissed by this court in CrI.O.P.No.22469 of 2021 dated 06.01.2022 and the petitioner has been suffering incarceration for more than 80 days from 15.10.2021and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (CrI. Side) would raise strong objection stating that the petitioner is the sole accused and due to wordy quarrel, the alleged occurrence has happened but admits that the investigation is almost completed.

5.On seeing the facts of the case and that investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his **own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison,** in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each out of which, one surety must be the blood relative of the petitioner, before the learned Judicial Magistrate, Arni, within 15 days from the date of commencement of the Court's normal functioning,** failing which the bail granted by this Court shall stand dismissed automatically;



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(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall stay at Chidambaram and sign before the Town Police station on every Wednesday and Saturday at 10.30 a.m. for a period of 2 months and thereafter, report before the respondent police as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

06/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ARANI, TIRUVANNAMALAI.



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARNI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

6 THE OFFICER INCHARGE
TOWN POLICE STATION,
CHIDAMBARAM.

CC to M/S M.REBECCA Advocate on payment of necessary charges

CRL OP.25246/2021

Date :06/01/2022

TA-07/01/2022