



Crl.O.P.No.26744 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

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

Crl.O.P.No.26744 of 2022

R.Sathish

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai.

(Crime No.565 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.565 of 2022 on the file of the respondent Police.

For Petitioner : Mr.C.K.M.Appaji

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 20.09.2022, for the offences punishable under Sections 342 & 302 of IPC, in Crime No.565 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, who is the tenant in the house of the deceased/victim, is that on 20.09.2022, due to family dispute, the petitioner, who is the maternal grand son of the victim, trespassed into the house of the victim and attacked her with hammer and blade, due to which, she sustained serious cut injuries and she was taken to the Stanley Hospital, wherein, she was declared dead. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is none other than the grand son of the victim and there exist a dispute between the petitioner's mother and the deceased with regard to jewels. He further submitted that on 20.09.2022, when the petitioner had gone to the house of the deceased, there was a sudden quarrel between the petitioner and the victim, during such time the incident has happened. He



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would also submit that there is no intention on the part of the petitioner to commit murder of his own grand mother and the incident has happened only on a sudden provocation. He also stated that the respondent has completed the investigation and also filed the final report before the learned XV Metropolitan Magistrate, George Town, Chennai. He further submitted that the petitioner is in custody from 20.09.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that due to the dispute on account of the return of jewels, the petitioner trespassed into the house of the victim and had committed murder of his own grand mother, by assaulting her with hammer and blade, due to which, she suffered serious injuries and was taken to the Stanley hospital, where she breathed her last. He further submitted that investigation has been completed and the final report report has also been filed, which is pending committal in P.R.C.No.120 of 2022 on the file of the learned XV Metropolitan Magistrate, George Town, Chennai and hence, he vehemently opposed for grant of bail to



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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 circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, 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.20,000/- (Rupees Twenty thousand only)** with **two sureties** (out of which one surety should be either father or mother of the petitioner), each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town, Chennai** and on further conditions that:



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[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 learned XV Metropolitan Magistrate, George Town, Chennai, on all working days at 10.30 a.m., until committal;

[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.

16.11.2022

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai.
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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