



CrI.O.P.No.28716 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

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1. Karthikeyan

2. Jeevananthan

3. Mownish

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Konganapuram Police Station,
Salem District.

(Crime No.290/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.290 of 2022 pending on the file of the respondent Police.

For Petitioners : Mr.N.Sudharsan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.10.2022 for the alleged offences punishable under Sections 449, 342 and 302 IPC, in Crime No.290 of 2022, registered on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant is that his maternal uncle Murugan/deceased was in relationship with one Kamala wife of late Subramani and they were living as a husband and wife. While so on 23.10.2022, the *de-facto* complainant had come to know that the accused (petitioners herein), who are the son and grandsons of the said Kamala had assaulted his uncle, resulting in him sustaining severe blood injuries. Thereby, he was admitted in the hospital, where he was died on the same day at 07.55 a.m. without responding to the treatment. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners has been arrested only



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based on suspicion and even as per the prosecution, the said Kamala, who is none other than the mother of the first petitioner (A1) and grand mother of second and third petitioners (A2 & A3), is said to have an illicit intimacy with the victim/deceased, who is the maternal uncle of the *de-facto* complainant and also the *de-facto* complainant is not a witness to the incident. He further stated that even as per the complaint the *de-facto* complainant has gone to the scene of occurrence only based on the information received from one Chellappan. He further submitted that the second and third petitioners who are college going students have been unnecessarily roped-in in this case and the petitioners are in custody from 23.10.2022, hence, he prays to grant bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the *de-facto* complainant's uncle was having a relationship with one Kamala, who is the mother of A1 and grand mother of A2 & A3, and enraged by the same, the petitioners have committed murder of the victim. He further submitted that there is no previous case as against the petitioners, however, he opposed to grant bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Salem**, 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 first petitioner shall report before the respondent Police, everyday at 10.30 a.m. and



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5.30p.m., for a period of 30 days and thereafter, every Saturday at 10.30 a.m., until further orders;

[c] the second and third petitioners shall report before the respondent Police, everyday at 06.30p.m., for a period of 30 days and thereafter, every Saturday at 10.30 a.m., until further orders;

[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];**

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

23.11.2022

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To

1. The Judicial Magistrate No.I,
Salem.
2. The Inspector of Police,
Konganapuram Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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