



Crl.O.P.No.31652 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2022

CORAM :

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

Crl.O.P.No.31652 of 2022

Ravichandran,
S/o.Sampath

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Karumalaikoodal Police Station,
Salem Dt.
(Crime No.178 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.178 of 2022 pending on the file of respondent police.

For Petitioner : Mr.M.Mariappan
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 06.10.2022 and originally, the respondent originally registered a case as boy missing and subsequently altered for the alleged offence under Section 147, 148, 364, 302 and 201 of I.P.C. in Crime No.178 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that one Pokkish, aged about 17 years, now deceased is the defacto complainant sister's son and he was under care and custody of his paternal grandmother. On 27.08.2022 at about 06.30 p.m., he was found missing and on investigation, it revealed that on the date of occurrence, due to ill talk by the deceased about his friend Kavin's mother, quarrel arose between the parties and in the said occurrence, the petitioner and other accused assaulted the deceased indiscriminately, due to which he became unconscious and then they thrown the body in Kauvery river. Still the police are not able to secure body of deceased. Hence, the complaint was registered against the petitioner.



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3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 76 days from 06.10.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 7 accused and the petitioner is arrayed as A4. He would submit that all other accused were arrested and they are still in judicial custody. He would submit that on the date of alleged occurrence, there was a wordy quarrel, resulting in which the petitioner along with other accused assaulted the deceased, thereby, he fell down and sustained injuries and subsequently he died. He would submit that one previous case pending against the petitioner. He would submit that that if he is released on bail, he would tamper the



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witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that there is one previous case against the petitioner and the investigation almost completed and considering the nature of offence committed by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Mettur**, and on further conditions that:

(a) 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;



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(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for the period of two months and thereafter, on every Saturday at 10.30 a.m. for another period of three months;

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

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

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

(f) 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];

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

22.12.2022

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To

1. The Judicial Magistrate No.II, Mettur.
2. Inspector of Police,
Karumalaikoodal Police Station, Salem Dt.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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