



Crl.O.P.No.117 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

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

Crl.O.P.No.117 of 2023

Murugesan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Guduvancherry Police Station,
Guduvancherry.

(Crime No.416 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending in Crime No.416 of 2022
pending on the file of the respondent.

For Petitioner : Mr.G.V.Sridharan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.11.2022 for the alleged offences punishable under Sections 307, 341, 506(ii) of IPC @ 147, 148, 302, 341 and 506(ii) of IPC in Crime No.416 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that A1 introduced the petitioner/A2, who is the Director of M/s. Green Agro tech GAT) at T.Nagar, to the de-facto complainant and they induced the de-facto complainant to invest a sum of Rs.13,00,000/- under the guise of returning excess interest for their money. Later, the de-facto complainant came to know that the company was closed two months back and a new branch was opened at Mogappair and immediately, she demanded her amount to the accused, during which, there was a wordy quarrel between them and the accused had threatened the de-facto complainant's husband with dire consequences. Subsequently, some persons, who came in bike assaulted him with knife, causing grievous injuries, due to which, h died on 26.09.2022. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that this the third bail application of the petitioner before this Court and this Court had earlier dismissed the bail petition on considering certain facts. He further stated that the petitioner's father was died on 02.01.2023, hence, the presence of the petitioner is necessary for performing the funeral rites. Hence, he seeks for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is an accused, arrayed as A9 in this case and this is his third bail application. He further submitted that the main overt act as against the petitioner is that he attacked the deceased with knife and also stated that the investigation is at nascent stage. He also conceded the submission made by the learned counsel for the petitioner that the petitioner's father was died on 02.01.2023.

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



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6. Taking into consideration the fact and the submissions made by the learned counsel and taking note of the fact that the petitioner's father passed away and it was also certified by the Death Memorandum by the prosecution, this Court is inclined to grant bail to the petitioner with certain conditions, to perform the last rites to his father deceased.

7. 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 Jail Authorities concerned and after coming out on bail, he shall execute two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kancheepuram, within a period of two weeks 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 on every Wednesday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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]*;

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

03.01.2023

Note : Issue Order copy today (03.01.2023)
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To

1. The Judicial Magistrate No.II, Kancheepuram.
2. The Inspector of Police,
Guduvancherry Police Station,
Guduvancherry.
3. The Central Jail, Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI,J.



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