



Crl.O.P.No.712 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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

Crl.O.P.No.712 of 2023

Kumar @ Yaanai Kaal Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sholavaram Police Station.
(Crime No.639 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.639 of 2022 on the file of the respondent Police.

For Petitioner : Mr.B.M.Santharam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.11.2022 for the offences punishable under Sections 147, 148, 302 IPC,
in Crime No.639 of 2022, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that due to the previous enmity, the accused have trespassed into the lorry parking yard, which was run by the cousin of the de-facto complainant and assaulted him with knife, due to which, he died on the spot. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been implicated in this case only based on the confession statement given by the other accused. He also stated that the petitioner is no way connected with the alleged offence and he is ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the petitioner has been suffering incarceration from 02.11.2022 and hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to the previous enmity with regard to the business competition, the petitioner along with the other accused trespassed into the de-facto complainant's yard and murdered him by assaulting with knife. He also stated that one previous case is pending as against the



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petitioner. He further stated that the respondent has almost completed the investigation and secured the co-accused in this case, however, he vehemently opposed to grant bail to the petitioner.

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.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and taking note of the fact that the 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.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Ponneri**, 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 stay at Cuddalore and report before the Inspector of Police, Tiruppapuliur Police Station, everyday at 10.30 a.m., for a period of two months and thereafter, report before the respondent on every Saturday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

[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.

23.01.2023

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To

1. The Judicial Magistrate-II, Ponneri.
2. The Inspector of Police,
Sholavaram Police Station.
3. The Inspector of Police,
Tiruppapuliur Police Station,
Cuddalore,
4. The Central Prison,
Puzhal.
5. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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