



Crl.O.P.No.4044 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2023

CORAM :

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

Crl.O.P.No.4044 of 2023

Karunakaran,
S/o.Rathinasamy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Keevalur Police Station,
Nagapattinam.
(Crime No.03 of 2023)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.03 of 2023 pending on the file of respondent police.

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.01.2023 for the alleged offence under Sections 147, 148 and 302 of I.P.C. in Crime No.03 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that earlier, due to matrimonial dispute, deceased attacked his wife with deadly weapons, due to which she died. Hence, he was arrested and remanded to judicial custody. However, his relatives did not take any steps to release him from custody, thereby, he has threatened and gave life threat to A1. Due to which, on 03.01.2023 around 07.30 a.m. there was a wordy quarrel between them, in which A1 and his friends waylaid the deceased and A2 and A3 murdered the deceased by using knife. thereby the deceased succumbed to injuries. Hence, the complaint was registered against the petitioner.



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3. The learned counsel appearing for petitioner submitted that he is friend of A1 and A2 and he did not have any motive towards the deceased and a false case was foisted against him for the reason that he is friend of A1. Hence, he is no way connected with the offence and he is not at all present in the scene of occurrence. 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 submit that he is only a friend of A1 and he is not relative of deceased and other co-accused were released on bail. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 52 days from 03.01.2023 and this is the second petition seeking for bail. 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 6 accused involved in this case and the petitioner is arrayed as A6. He would submit that in this case, one Singaravelu, who was deceased murdered his own wife, for



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which, he was remanded to judicial custody, however, none of his relatives taken steps to see him in jail, due to which, on the date of occurrence, there was a wordy quarrel between the deceased and the petitioner, thereby A1 and A2 attacked him with deadly weapons, resulting in which he succumbed to injuries. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed and other co-accused were released on bail. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that on the date of occurrence, when the relatives of deceased did not take any steps to release him from custody, there was a wordy quarrel between the deceased and the petitioner accompanying with other accused attacked him with deadly weapons, due to which, the alleged occurrence happened and the investigation almost completed and the fact that other co-accused were released on bail 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:



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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, **in which one surety must be a blood surety** for a like sum to the satisfaction of the **learned Judicial Magistrate, Keevalur**, 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;

(b) the petitioner shall report before the respondent police on every Monday and Sunday at 10.30 a.m. for the 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



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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.

24.02.2023

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To

1. The Judicial Magistrate, Keevalur.
2. Inspector of Police, Keevalur Police Station, Nagapattinam.
3. The Superintendent of Prison, Sub-Jail, Nagapattinam.
4. The Public Prosecutor, High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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