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Crl.O.P.No.5911 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

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

Crl.O.P.No.5911 of 2023

Lokesh @ Varatharaj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.

(Crime No.35 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.35
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.01.2023 for the offences under Section 302 of IPC @ Sections 302, 201 and 120(B) of IPC, in Crime No.35 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant/ Malliga, is that A1/Mohan had developed illicit intimacy with her daughter-in-law, who is the wife of her younger son Loganathan/victim. On knowing the same, the victim had reprimanded A1, not to come to his house and to sever their relationship. Due to which, on 26.01.2023, the accused have committed the murder of the victim, by stabbing him with knife. Based on the complaint given by the defacto complainant, a case in Crime No.35 of 2023 came to be registered for the offence under Section 302 of IPC. Later, during the course of investigation, it came to light that the petitioner had conspired with A1 and committed the murder of the victim and thrown the body of the deceased in a water body. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 20 years and he is studying 3rd year BBA in Government Arts College for Men, Krishnagiri. He further submitted that since the respondent suspected that the petitioner is the friend of A1, he has been implicated in this case. He also submitted that the petitioner is in judicial custody from 31.01.2023 and hence, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is the friend of A1 and A1 was having illicit intimacy with the wife of the victim and since, the victim had scolded him to sever his relationship, A1 enraged over the same, conspired together with the petitioner, to do away with the victim, had taken him to a secluded place and committed the murder and thrown his body into the water body. He further submitted that the investigation is still pending and hence, he opposed for grant of bail.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioner and also considering the age of 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Krishnagiri** 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 stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, daily twice at 10.30 a.m and 5.30 p.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.

14.03.2023

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To

- 1.The Judicial Magistrate No.I,
Krishnagiri.
- 2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
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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