



WEB COPY



CrI.O.P.No.6184 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

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

CrI.O.P.No.6184 of 2023

Inbatamil @ Tamil

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Namakkal Police Station,
Namakkal.

(Crime No.50 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.50 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



CrI.O.P.No.6184 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.01.2023, for the offences punishable under Section 147, 148, 449, 302 of IPC, in Crime No.50 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Saraswathi, is that due to the previous enmity, the petitioner along with the other accused, unlawfully assembled and trespassed into her house and assaulted her husband with knife, due to which, he suffered grievous injuries. Thereafter, he was taken to the government hospital, where, he was declared as brought dead. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 18 years and he has been falsely implicated in this case, since he happens to be the friend of A1. He further submitted that the petitioner is in custody from 30.01.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioner.



CrI.O.P.No.6184 of 2023

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that due to the previous enmity, the petitioner (A3) along with others have trespassed into the house of the de-facto complainant and had committed murder of her husband, by assaulting him with knife. He further submitted that no previous case is pending as against the petitioner. However, he opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and taking note of the period of incarceration and also considering the fact that no previous case is pending against 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)**



CrI.O.P.No.6184 of 2023

with **two sureties** (out of which one surety should be either father or mother of the petitioner), for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Namakkal**, 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, everyday at 10.30 a.m. and 5.30p.m., until further orders;

[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]*;



WEB COPY



CrI.O.P.No.6184 of 2023

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

17.03.2023

ham

To

1. The Judicial Magistrate No.I,
Namakkal.
2. The Station House Officer,
Namakkal Police Station,
Namakkal.
3. The Juvenile Detention Centre,
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6184 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.6184 of 2023

17.03.2023