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Crl.O.P.No.7245 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

Crl.O.P.No.7245 of 2023

Srinivasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Erumapatty
Namakkal District.

(Crime No.94 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.94 of 2023 for the offence under Section 302 of IPC, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.C.Iyyapparaj for
Mr.S.Senthil

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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Crl.O.P.No.7245 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.02.2023 for the offences punishable under Section 302 of IPC @ Sections 120(b), 302 and 201 of IPC, in Crime No.94 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Baby is that her son, Sasikumar, who was studying MCA and also working as a collection agent in L&T Private company. On 27.02.2023, she received an information that her son was lying dead with injuries. Based on her complaint, a case in Crime No.13 of 2023 was registered for the offence under Section 302 IPC. Later, during the course of investigation, it came to light that the accused 1 & 2, who had enmity on two grounds that A1, who was having the property dispute with the deceased/victim and A2, who was having enmity with the victim due to the illicit intimacy of the victim with the wife of A2, had committed murder of the de-facto complainant's son. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case,



Crl.O.P.No.7245 of 2023

based on the suspicion. He further submitted that due to some misunderstanding, the petitioner and his wife were living separately for a period of four years and during 2021, they were legally separated and after that he has no connection with his wife, whereas, the respondent Police has wrongly suspected the petitioner. He further submitted that absolutely there is no eye-witness to the occurrence and the petitioner has been implicated in this case, since the respondent has suspected that the petitioner has enmity over the deceased. He also submitted that the petitioner is in custody from 28.02.2023, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused had nurtured enmity against the victim on two grounds that the first accused was having a property dispute with the victim and the second accused, petitioner herein, having aggrieved over the victim for having illicit intimacy with his wife, due to which, they joint together and engaged hirelings A3 & A4 and had committed murder of the victim. Therefore, he vehemently opposed for grant of bail to the petitioner.



Crl.O.P.No.7245 of 2023

WEB COPY

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the petitioner has separated from his wife four years ago 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 are 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Sendamangalam**, 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 Nanguneri and report before the Inspector of Police, Nanguneri



Crl.O.P.No.7245 of 2023

Police Station, everyday at 10.30 a.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]*;

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

31.03.2023

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Crl.O.P.No.7245 of 2023

WEB COPY

To

1. The Judicial Magistrate,
Sendamangalam.
2. The Inspector of Police,
Erumapatty Police Station,
Namakkal District.
3. The Central Jail,
Salem.
4. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.7245 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.7245 of 2023

31.03.2023