



CrI.O.P.No.7063 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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

CrI.O.P.No.7063 of 2023

R.Ramkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.

(Crime No.382 of 2022).

... 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 case
in Crime No.382 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Marudhachalamurthy

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.12.2022, for the offence punishable under Sections 147, 148, 120(b) & 302 of IPC, in connection with Crime No.382 of 2022, pending on the file of the respondent police, seeks bail.

2. The case of the prosecution is that since the victim/deceased questioned the illicit intimacy of his wife (A3), who is *de-facto* complainant in this case, with A2, the petitioner along with other accused, on the instigation of the second accused, have taken the victim to a secluded place and committed murder of him, by indiscriminately assaulting him with knife. Hence, the case.

3. Learned Counsel 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 was arrested and remanded to judicial custody on 25.12.2022 and he is in custody for more than 90 days and till date, the investigation has not been completed and also the final report has not been filed by the respondent Police, thereby, the petitioner is entitled for grant of bail under Section 167(2) of Cr.P.C. He also submitted that the co-



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accused in this case have been granted bail by this Court in Crl.O.P.No.6945 of 2023 vide order dated 28.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for respondent submitted that on account of the dispute with regard to the illicit intimacy of the wife of the victim/deceased with A2, the petitioner (A7) along with other accused has committed murder of the victim, by indiscriminately assaulting him with knife. He further submitted that the investigation is pending, hence, 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 entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side, taking note of the fact that the co-accused in this case have been granted bail by this Court and also considering the period of incarceration undergone by the petitioner, this Court is inclined



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to grant bail to the petitioner under Section 167 (2) of Cr.P.C., 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruchengode**, 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 10.30a.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



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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.

29.03.2023

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To

1. The Judicial Magistrate,
Tiruchengode.
2. The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
3. The Central Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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