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Crl.O.P.No.7663 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

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

Crl.O.P.No.7663 of 2023

Sathish @ Sakthivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sunguvarchatram Police Station,
Kanchipuram District.

(Crime No.28 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.28 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.D.Magesh

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



Crl.O.P.No.7663 of 2023

WEB COPY

ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 04.02.2023, for the alleged offences punishable under Section 302 of IPC altered to Sections 302, 380, 201 of IPC, in Crime No.28 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Rajendran, is that his neighbour one Suseela, had informed him that his mother was found dead in her house with bleeding injuries on her head and someone had murdered her, by assaulting her with a grinding stone. Based on his complaint, a case in Crime No.28 of 2023 came to be registered for the offence under Section 302 IPC. During the course of investigation, it came to light that the accused, who was working as a Constable in Police Department, has murdered the mother of the de-facto complainant for gain and also committed theft of 16 sovereigns of gold and Rs.40,000/-. Hence the case.



Crl.O.P.No.7663 of 2023

WEB COPY

3. Learned Counsel for the petitioner submitted that this is the second application for bail filed the petitioner and this Court had dismissed the earlier bail application filed in Crl.O.P.No.5171 of 2023 vide order dated 08.03.2023 on the ground that the petitioner was arrested on 04.02.2023 and the investigation was at nascent stage. He further submitted that it is the case of circumstantial evidence and there is no eye witness to the occurrence. He also submitted that other than the alleged recovery of jewels and the confession statement stated to have been recorded from the petitioner, no other materials are available to implicate the petitioner in this case. He further submitted that the petitioner is in custody from 04.02.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is an Armed Reserve Police Constable, has committed murder of the de-facto complainant's mother for gain. He also submitted that the investigation is pending and since the petitioner being the Police constable, if he is released on bail, there is



Crl.O.P.No.7663 of 2023

every possibility of him, interfering with the investigation and also threatening the witnesses. Therefore, he prayed for dismissal of the petition.

5. In reply, the learned counsel for the petitioner submitted that the petitioner has now been suspended from the service and there is no possibility of him in interfering with the investigation or threatening the witnesses. He also submitted that the petitioner is ready to stay far away from the jurisdictional limit of the respondent Police. Hence he prayed to grant bail to the petitioner.

6. 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.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.



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Crl.O.P.No.7663 of 2023

8. 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, Sriperumbudur**, 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 Dindigul and report before the Dindigul Town North Police Station, everyday at 10.30 a.m., and 5.30 p.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]***;



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CrI.O.P.No.7663 of 2023

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

12.04.2023

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To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
Sunguvarchatram Police Station,
Kanchipuram District.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.7663 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.7663 of 2023

12.04.2023