



Crl.O.P.No.7591 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

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Sureshkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.

Crime No.36 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.36 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.P.Vijendran

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 02.03.2023, for the alleged offences punishable under Section 302 of IPC, in Crime No.36 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Kalimuthu is that on 02.03.2023, there was a quarrel between his brother Anbazhagan/victim and one Santhi, who is the mother-in-law of the deceased and during which, the victim/deceased has assaulted the said Santhi with beer bottle, due to which, the accused, who is the brother-in-law of the victim, has intervened and assaulted the victim/deceased with wooden logs, causing grievous injuries, during such time, the de-facto complainant pacified them, whereas, on 03.03.2023, his brother/victim was found dead in drainage. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and the victim/deceased is none other than the brother-in-law of the petitioner. He further submitted that on 02.03.2023, the victim/deceased had assaulted the petitioner's mother with beer bottle, resulting in her sustaining injuries and as a son, the petitioner had intervened only to protect his mother and pushed his brother-in-law/deceased. He also submitted that the victim/deceased by assaulting petitioner's mother with beer bottle, had provoked the petitioner to intervene and there is no intention on the part of the petitioner to commit the murder of his own brother-in-law and the incident happened during the fight between the relatives. He further submitted that the petitioner is in judicial custody from 02.03.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the victim/deceased, who is the brother-in-law of the petitioner, had assaulted the petitioner's mother with a beer bottle and caused injuries and being enraged by the same, the petitioner had assaulted him with wooden logs, due to which, the victim/deceased died on



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the next day. He also submitted that no previous case is pending against the petitioner and the investigating in this case is still pending. Hence, he opposed for grant of bail to the petitioner.

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 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, 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 District Munsif cum Judicial Magistrate, Keezhvelur** and on further conditions that:



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[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, North Beach 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.

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1. The District Munsif cum Judicial Magistrate,
Keezhvelur.
2. The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
3. The Sub Jail,
Nagapattinam.
4. The Inspector of Police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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