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Crl.O.P.No.8396 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

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

Crl.O.P.No.8396 of 2023

Samu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K.V.Kuppam Police Station
Vellore District.

(Crime No.43 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.43 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Sathishkumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.02.2023, for the offences punishable under Section 302 of IPC, in Crime No.43 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Raja, Village Administrative Officer, is that the accused himself surrendered before the de-facto complainant stating that due to the previous enmity with his elder brother one Sekar/deceased, in an inebriated condition, had committed murder of his brother by assaulting him with brick on his head. Based on the complaint given by the de-facto complainant, a case in Crime No.43 of 2023 was registered for the offence under Section 302 IPC. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is none other than the brother of the deceased, is an innocent person. He further submitted that the petitioner's elder brother used to quarrel with him frequently, while so, on 26.02.2023, his brother picked up a quarrel with him, during which, the petitioner, who was in an inebriated condition, unknowingly hit him with brick, due to which, he sustained injuries and died.



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He also submitted that there is no intention on the part of the petitioner to commit murder of his own brother and the incident was happened only during the quarrel. He further submitted that major part of the investigation is over, whereas, the petitioner is in custody from 27.02.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the existing family dispute, the accused/petitioner herein, in an inebriated condition had committed murder of his brother by assaulting him with brick. He further submitted that no previous case is pending against the petitioner. However, 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 taking



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note of 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 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, Katpadi, Vellore District**, 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 Cuddalore and report before the Inspector of Police, Old Town 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



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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.

18.04.2023

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To

1. The Judicial Magistrate,
Katpadi, Vellore District.
2. The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Old Town Police Station,
Cuddalore District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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