



Crl.O.P.No.8610 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

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

Crl.O.P.No.8610 of 2023

Ramakrishnan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Bagayam Police Station,
Vellore District.

(Crime No.49 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.49 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.E.Kannadasan

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

For Intervener : Mr.G.Nirmal Krishnan



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.02.2023, for the offences punishable under Sections 341 & 302 IPC, in Crime No.49 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant, Mohan, is that on 11.02.2023, due to the previous enmity, the accused had waylaid the de-facto complainant's son/victim and indiscriminately assaulted him with Iron pipe on his face and head, due to which, the victim died at the spot. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is no way connected with the alleged offence and due to the previous enmity, the de-facto complainant has lodged a false complaint. He further submitted that the petitioner was arrested on 12.02.2023 and he is in custody for more than 70 days and he is



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ready to abide by any other 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 due to the previous enmity, the petitioner has waylaid the de-facto complainant's son and had committed murder of him by assaulting him indiscriminately with iron pipe. He further submitted that one previous case is pending against the petitioner and the investigation in this case is still pending, hence, he vehemently opposed for grant of bail to the petitioner.

5. Learned counsel for the Intervener objected for grant of bail to the petitioner stating that the petitioner, who is also residing in the same area, out of previous enmity, had committed murder of the de-facto complainant's son.

6. Heard the learned Counsel for the Petitioner and the Intervener and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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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 conditions.

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 No.I, Vellore**, 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 Salem and report before the Inspector of Police, Ammapet 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



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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.

25.04.2023

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To

1. The Judicial Magistrate No.I,
Vellore.
2. The Inspector of Police,
Bagayam Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Ammamet Police Station,
Salem District.
5. The Public Prosecutor,
High Court of Madras.



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