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Crl.O.P.No.9062 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9062 of 2023

Vasigaran @ Killer

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.

(Crime No.381 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in pending investigation in Crime
No.381 of 2022 on the file of the respondent Police.

For Petitioner : Mr.P.Pandiyaraj

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



Crl.O.P.No.9062 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.11.2022, in connection with Crime No.381 of 2022 registered for the offences punishable under Sections 302 r/w 201 of IPC, on the file of the respondent police, seeks bail.

2. The de-facto complainant/ Village Administrative Officer of Hosur Town village lodged a complaint stating that on 29.11.2022, on receipt of the information from public, he went to the South side of the stream at Krishna Nagar, wherein, he found that an unidentified person was lying down unconsciously with head injury and he immediately sent the injured person to the hospital. Based on his complaint originally an 'Accidental Fall' case has been registered in Crime No.381 of 2022, whereas, the victim had died. Later, during the course of investigation, it was found that the deceased/victim was having love affair with the sister of one Prashanth @ Billa and the petitioner herein has advised the victim to sever his relationship, due to which, there arose a quarrel between them, during such time, the petitioner in an inebriated condition, had assaulted the victim with stone and also screened the evidence. Thereby, the case has been altered to



Crl.O.P.No.9062 of 2023

one under Sections 307 of IPC and later altered to 302 r/w 201 of IPC. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 23 years and he has been falsely roped into this case. He further submitted that absolutely there is no eye-witness to the occurrence and the petitioner has been implicated in this case, only based on the suspicion. He also submitted that other than the confession statement alleged to have been recorded from the petitioner, no other materials are available to connect the petitioner to the crime. He further submitted that the investigation has been completed and the petitioner is in custody from 30.11.2022, and he is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who was in an inebriated condition, during the wordy quarrel, had assaulted the victim/deceased with stone, due to which, the victim sustained grievous head injuries and died



Crl.O.P.No.9062 of 2023

without responding to the treatment. He also submitted that investigation in this case has been completed and the final report has also been filed before the trial Court concerned and it is yet to be taken on file. He further submitted that one previous case is pending as against the petitioner, hence, he 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 the learned counsel on either side and taking 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Hosur, Krishnagiri District**, and on further



Crl.O.P.No.9062 of 2023

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 appear before the learned Judicial Magistrate-II, Hosur, on all working days, at 10.30 a.m., for a period of four weeks and thereafter, on the first working day of every English Calendar month at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.9062 of 2023

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

26.04.2023

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To

1. The Judicial Magistrate-II,
Hosur.
2. The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
3. The District Prison,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.9062 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.9062 of 2023

26.04.2023