



CrI.OP.No.10262 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.10262 of 2023

1.Devi
2.Perumal

... Petitioners/ A1 & A2

Vs.

State Rep by
Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai
Crime No.119 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No.119 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.03.2023 for the offence punishable under Sections 341, 294(b), 323, 307 & 506(ii) of IPC altered into Section 302 of IPC, in Crime No.119 of 2023 on the file of the respondent police, seek bail

2. The case of the prosecution is that the victim had illegal intimacy with the first accused. On the date of occurrence, there was a wordy quarrel, pursuant to which, both the accused persons pushed down the victim, thereby the victim sustained injuries and died. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. Hence, he prays for grant of bail to the petitioners.

4. The Additional Public Prosecutor appearing for the respondent police would submit that both the accused are brother and sister. Due to a wordy quarrel, both the accused persons attacked the



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deceased, thereby the victim sustained injuries and died.

5. There are totally two accused, in which the petitioners are arrayed as A1 and A2. Even according to the case of the prosecution, the victim had illegal intimacy with the first accused. Thereafter, they had quarrel. On that day, both the accused pushed down the victim and as such, victim fell down and sustained head injuries, thereby victim died. Considering the facts and circumstances of the case and also the period of incarceration by the petitioner from 14.03.2023, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) (each) with two sureties, each for a like sum to the satisfaction of the learned Metropolitan Magistrate No.V, Egmore, Chennai 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

1.The learned Metropolitan Magistrate No.V,
Egmore, Chennai

2.Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai

3.Central Prison,
Puzhal

4.The Public Prosecutor,
High Court of Madras,
Chennai

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