



CrI.O.P.No.10810 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.10810 of 2023

Prabakaran @ Prabhu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G-5 Chunamedu Police Station,
Chengalpattu District.

(Crime No.270 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in S.C.No.50 of 2023 on the
file of the District and Sessions Judge, Mahila Court, Chengalpattu.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

For Intervenor : Mr.G.Prabhakaran



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.11.2022, for the offence punishable under Sections 302 and 380 of IPC in S.C.No.50 of 2023, in connection with Crime No.270 of 2022, pending on the file of the District and Sessions Judge, Mahila Court, Chengalpattu, seeks bail.

2.The case of the prosecution is that on 18.07.2022 around 05.00 a.m., when the defacto complainant's wife not returned for quite some time, he found his wife's corpse at his garden cattle shed. Her hands and legs were tied, her head was tied with gunny bag. There were severe injuries on her right side eye and forehead and on search, chain was missing from her neck. Hence the complaint.

3. The learned counsel appearing for petitioner would submit that this is the fourth petition seeking for bail filed by the petitioner. He would further submit that now the case has been committed to the learned District and Sessions Judge, Mahila Court, Chengalpattu in S.C.No.50 of 2023. He



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would also submit that the the petitioner, an innocent person, has been falsely implicated in this case and he is in judicial custody from 18.11.2022. Hence, he prayed for grant of bail to the petitioner.

4.Learned learned Additional Public Prosecutor appearing for the respondent submitted that due to previous enmity, the petitioner has brutally murdered the victim by assaulting with reaper log and the case has now been committed to the learned District and Sessions Judge, Mahila Court, Chengalpattu in S.C.No.50 of 2023. He further submitted that this is the fourth bail application filed by the petitioner and hence, he opposed for grant of bail to the petitioner.

5.The learned counsel for the intervenor vehemently raised objections stating that due to previous enmity, the petitioner has brutally murdered the victim by assaulting with reaper log. Hence, he opposed for grant of bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and the



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fact that after the dismissal of the bail petition by this Court on 21.03.2023, the case has been committed to the learned District and Sessions Judge, Mahila Court, Chengalpattu in S.C.No.50 of 2023 and also considering the period of incarceration suffered 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 District Munsif cum Judicial Magistrate, Cheyur, Chengalpattu 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 report before the trial Court concerned, daily at 10.30 a.m., for a period of one month and thereafter, on all hearing dates, without fail, until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

11.05.2023

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To

1. The District Munsif cum Judicial Magistrate,
Cheyur, Chengalpattu District,
2. The Inspector of Police,
G-5 Chunamedu Police Station,
Chengalpattu District.
3. The Chengalpattu Prison.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J

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