



Crl.OP.No.12027 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.12027 of 2023

Sathish Kumar

... Petitioner

Vs.

State rep. By,
Sub Inspector of Police,
Thiruporur Police Station,
Chengalpattu District.
Crime No.149 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail pending investigation in Crime
No.149 of 2023 on the file of the Respondent Police.

For Petitioner : M/s. V.Kayalvizhi

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 10.04.2023 for the offence punishable under Section **302 of IPC** in Crime No.149 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are friends from school days. On 09.04.2023, during the naming ceremony of the daughter of the defacto complainant, the petitioner took the defacto complainant's father along with him for consuming Alcohol. Thereafter, at about 11.00 p.m., the petitioner alone came back and without mentioning the defacto complainant's father name, told the defacto complainant that one of the relatives of Dhavu Master, is in serious condition near the Hub Plot which is at the back side of the Kannagappattu Chaithanya Marriage Hall and when the defacto complainant enquired the petitioner about his father, the petitioner asked him to go to the place he said. Since, the father of the defacto complainant did not return home for a long time, they went to the place where the petitioner told wherein, the father of the defacto complainant was found attacked with something and he was unconscious with blood injuries. Hence, the case.



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3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that due to enmity over business, the petitioner has been falsely implicated in this case and that the Petitioner is in judicial custody from 10.04.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that due to previous enmity, the petitioner committed the murder of the father of the defacto complainant.

5. Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the First Information Report.



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6. Considering the above facts and circumstances 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 at Thiruporur** and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner shall stay at Kanyakumari and report before the **Inspector of Police, Kottar Police Station, everyday at 10.30 a.m., until further orders. The petitioner shall not leave Kanyakumari without the permission of the Inspector of Police, Kottar Police Station.**



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(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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SATHI KUMAR SUKUMARA KURUP,J.

Ksa-2/Ssi

To

1. District Munsif Cum Judicial Magistrate
Thiruporur.
2. Sub Inspector of Police,
Thiruporur Police Station,
Chengalpattu District.
3. The Inspector of Police,
Kottar Police Station, Kanyakumari
4. District Jail,
Chengalpattu.
5. The Public Prosecutor,
High Court of Madras.

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