



WEB COPY



Crl.O.P.No.12125 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

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

Crl.O.P.No.12125 of 2023

Prabhuram

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam,
Namakkal District.

(Crime No.115 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 Crime
No.115 of 2023, pending on the file of the respondent Police.

For Petitioner : Mr.S.Saranraj

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



Crl.O.P.No.12125 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2023, in connection with Crime No.115 of 2023, registered under Section 174 Cr.P.C and later, altered for the offence punishable under Section 302 of IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Govindaraj, is that his father, who was working as a watchman in the elementary school, was found dead in front of the school. On the complaint given by him, a case in Crime No.115 of 2023 was registered under Section 174 Cr.P.C. During the course of investigation, it came to light that the accused used to consume liquor in the school premises and the victim/deceased, who being the watchman of the school had reprimanded the accused, due to which, the accused enraged over the same, had committed the murder by strangulating him. Thereby, the case has been altered to one under Section 302 of IPC. Hence the case.



Crl.O.P.No.12125 of 2023

WEB COPY

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person aged about 19 years and he has been falsely implicated in this case. He further submitted that the allegation as against the petitioner is that he along with other accused had committed murder of the de-facto complainant's father, whereas, there is no eye witness to the occurrence and he has been implicated in this case only based on the alleged confession stated to have been recorded from the petitioner and other accused. He also submitted that there are no bad antecedents against the petitioner and he is languishing in prison from 01.04.2023. He also submitted that the petitioner is also ready to abide by any 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 the petitioner along with other accused used to consume alcohol in the premises of the school, where the victim/deceased was working as a watchman and the victim had reprimanded them, due to which, the accused had committed murder of him. He further submitted that no previous case is pending as against the petitioner, however, he vehemently opposed for granting bail to the petitioner.



Crl.O.P.No.12125 of 2023

WEB COPY

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 also considering 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** (out of which one surety should be either father or mother of the petitioner), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Kumarapalayam**, 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;



Crl.O.P.No.12125 of 2023

[b] the petitioner shall report before the Respondent Police, everyday 10.30 a.m. and 5.30 p.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 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.

01.06.2023

ham



Crl.O.P.No.12125 of 2023

WEB COPY

To

1. The Judicial Magistrate,
Kumarapalayam.
2. The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam,
Namakkal District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.12125 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.12125 of 2023

01.06.2023