



CrI.O.P.No.12845 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

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

CrI.O.P.No.12845 of 2023

Devandiran

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Seerkazhi Police Station,  
Mayiladuthurai District.

(Crime No.240 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to grant bail to the petitioner in Crime No.240 of 2023 pending  
investigation on the file of respondent police.

For Petitioner : Mr.D.Sai Kumaran

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



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 05.05.2023, for the offence punishable under Section 302 of IPC and 25(IA) Arms Act, in connection with Crime No.240 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the *de facto* complainant/Kalyanasundaram is that on 02.05.2023, he received an information that his son was lying dead on the river bed of Uppanaru, Palakkarai, with bleeding injuries and his vehicle was also found parked nearby. Based on his complaint, a case in Crime No.240 of 2023 was registered for the offence under Section 302 IPC. Later, during the course of investigation, it came to light that the accused, who is the relative of the victim/deceased, on suspecting that the victim/deceased was having an illicit intimacy with one Malar, had taken him to the river bed of Uppanaru, Palakkarai and committed murder of him by firing with illegal gun. Thereby, the case has been altered to one under Section 302 of IPC and 25(IA) Arms Act. Hence, the case.





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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 condition.

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, Seerkazhi**, 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 at Theni and report before the Inspector of Police, Theni Town police Station, everyday at 10.30a.m., until further orders;**



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**However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, 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.

**09.06.2023**

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**A.D.JAGADISH CHANDIRA.,J.**

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To

1. The Judicial Magistrate,  
Seerkazhi.
2. The Inspector of Police,  
Seerkazhi Police Station,  
Mayiladuthurai District.
3. The Inspector of Police,  
Theni Town Police Station,  
Theni District.
4. The Central Prison,  
Tiruchirapalli.
5. The Public Prosecutor,  
High Court of Madras.

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