



Crl.O.P.No.14100 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

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

Crl.O.P.No.14100 of 2023

Sasikumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.

(Crime No.65 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with Crime No.65 of
2023, pending investigation on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.04.2023, in connection with Crime No.65 of 2023, registered under Section 174 Cr.P.C and later, altered for the alleged offences punishable under Section 302 of IPC, on the file of the respondent, seeks bail.

2. Based on the complaint given by one Anandhan, Village Administrative Officer, Poonapalli village that on 27.02.2023, an unknown male aged around 30 to 35 years was found to be lying dead behind a company named JBM, for which, a case in Crime No.65 of 2023 was registered under Section 174 Cr.P.C. During the course of investigation, it came to light that the accused had a scuffle in front of the wine shop and later, they have taken him to a secluded place and assaulted him with a wooden log and committed murder on him and threw the body away and escaped from the scene of occurrence. Thereby, the case has been altered to one under Section 302 of IPC. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He



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further submitted that originally the case has been registered under Section 174 Cr.P.C. and later, only based on the suspicion, the petitioner had been implicated in this case. He further submitted that other than the confession statement recorded from the petitioner and other accused, there is no material to connect the petitioner to the crime. He also submitted that the major part of the investigation in this case has been completed and that the petitioner is in custody from 10.04.2023. He further 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 on 25.02.2023, there was a scuffle between the deceased/victim and the accused in front of the wine shop and later, the accused had taken the deceased/victim to a secluded place and committed murder on him by assaulting him with a wooden log and thereafter, threw his body and fled away from the scene of occurrence. He also submitted that the petitioner is arrayed as A1 in this case and the investigation in this case is still pending. Therefore, he opposed for grant of bail to the petitioner.



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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 and 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Hosur**, 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 respondent Police, everyday at 10.30a.m., until further orders;



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[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.

23.06.2023

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To

1. The Judicial Magistrate No.2,
Hosur.
2. The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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