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CrI.O.P.No.14447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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

CrI.O.P.No.14447 of 2023

Kumaresan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-5 Kunrathur Police Station,
Kancheepuram District.

(Crime No.213 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.213 of 2023, pending on the file of the respondent Police.

For Petitioner : Mr.D.Prabu

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 26.04.2023, in connection with Crime No.213 of 2023, for the offence punishable under Sections 294(b), 307, 302 & 506(ii) of IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the family dispute, the accused persons, who are the elder brother and his sons of the *defacto* complainant, had abused the de-facto complainant and his brothers Murali and Athishkumar and assaulted them with knives and wooden log, due to which, they sustained grievous injuries. Later, the injured were taken to hospital, where, one of the injured Sathishkumar, younger brother of the de-facto complainant was declared brought dead. 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 further submitted that the incident had happened during the quarrel and even as per the prosecution, the major allegations are on the part of the first and second accused, who are stated to have inflicted injuries on the victims and



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the petitioner is stated to have assaulted only with a wooden log. He also submitted that A1 & A2 were detained under Goondas. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and he is languishing in jail from 26.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that due to the family dispute, the petitioner (A3), who is the elder brother of the *de facto* complainant along with his sons (A1 & A2) had abused and assaulted the *de facto* complainant and his brothers Murali and Athishkumar/deceased with knives and a wooden log, due to which, they sustained grievous injuries and the said Athishkumar died on the way to the hospital. He further submitted that the de-facto complainant and one of his elder brothers Murali have been discharged from the hospital and also submitted that A1 and A2, who are the sons of this petitioner were detained. He further submitted that the investigation in this case is still pending, hence, he vehemently 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, 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, Sriperumbudur**, 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 stay at **Virudhachalam** and report before the **Inspector of Police, Virudhachalam Police Station, everyday 10.30 a.m. and 5.30 p.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.

28.06.2023

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To

1. The Judicial Magistrate, Sriperumbudur.
2. The Inspector of Police,
T-5 Kunrathur Police Station,
Kancheepuram District.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam.



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A.D.JAGADISH CHANDIRA.,J.

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