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CrI.OP.No.14767 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.14767 of 2023

Muniraj

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Thally Police Station,
Krishnagir District.
(Cr.No.291 of 2022)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.291 of 2022 on the file of the respondent Police.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.06.2023 for the offences punishable under Section 302 I.P.C. in Crime No.291 of 2022 on the file of the respondent police, seeks bail.



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2.The learned counsel for the petitioner submitted that there is no specific overtact against the petitioner that he had attacked the deceased and was responsible for his death. Petitioner is in judicial custody from 05.06.2023. Other accused in this case had been granted bail. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that petitioner is the brother-in-law of the deceased Santhakumar. There was a rivalry between A1 and the deceased. At the instance of A1, this petitioner had taken the deceased to A1. On 25.11.2022, at about 7.00 a.m. accused had caused fatal injuries to deceased Santhakumar by attacking him with deadly weapons. As a consequence, he died. The only allegation against the petitioner is that he had taken the deceased to A1 and fled from there.

4.Considered the rival submissions and perused the records.



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5.Considering the fact that co-accused in this case had already granted bail, there is no specific overtact alleged against the petitioner in causing injuries to the deceased, that only allegation is that he had taken the deceased to A1 and and that the petitioner is in judicial custody from 05.06.2023, and that substantial part of investigation in this case might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. 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, Denkanikottai**, 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 daily morning at 10.30.a.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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The District Munsif cum Judicial Magistrate,
Denkanikottai.
- 2.The Inspector of Police,
Thally Police Station,
Krishnagir District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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