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Crl.O.P.No.18357 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

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

Crl.O.P.No.18357 of 2023

Kurangu Saravanan @ Saravanan

...Petitioner/Accused A2

Vs.

State Rep by
The Inspector of Police,
Valavanur Police Station,
Villupuram District,
(Crime No. 59 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No. 100/2023 on the file of Principal Sessions Court, Villupuram.

For Petitioner : M/s. P.Prince Perm Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.02.2023 for the offence punishable under Section 302 IPC @ Sections 364, 120(B), 302, 201, 465, 482, 328 r/w 34 IPC in Crime No.59 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.59 of 2023 for the offences punishable under Sections 364, 120(B), 302, 201, 465, 482, 328 r/w 34 IPC. Petitioner is innocent. It is his further submission that, petitioner is implicated as 2nd accused in S.C.No.100 of 2023 pending on the file of the Principal Sessions Court, Villupuram. The allegations against this petitioner is that, petitioner had attacked the deceased with hands, along with 1st accused and helped the 1st accused in disposing the body. Petitioner is in judicial custody from 10.02.2023. 1st accused in this case was already granted bail by this Court in Crl.O.P.No.12560 of 2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on



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the ground, originally first information report was registered on the basis of the complaint given by the Village Administrative Officer of Vagaram, Villupuram Taluk namely Ramachandiran in Crime No.59 of 2023 for the offence under Section 302 of IPC. Subsequently, it was altered under Sections 364, 120(B), 302, 201, 465, 482, 328 r/w 34 IPC. Thus, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

5. The first information report allegations reveals that, the defacto complainant found the body of the deceased with injuries at about 6.30 a.m., on 01.02.2023. Subsequent investigation revealed that, victim, 1st and 2nd accused were friends. 1st accused wanted to marry the sister of the deceased. However, the deceased and his family members had not accepted to the marriage proposal of the 1st accused. As a result, 1st accused got angry against the deceased. 1st accused attacked the deceased with aruval and 2nd accused attacked the deceased with hands. As a result, deceased died. After his death, they had thrown the body of



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the deceased in front the house of one Vadivel.

6. Considering the fact that, 1st accused in this case was already granted bail by this Court in Crl.O.P.No.12560 of 2023 and that petitioner is in judicial custody from 10.02.2023 and investigation in this case is completed and case is pending in S.C.No.100 of 2023, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **Principal District and Sessions Court at Villupuram** 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 Principal Sessions Court, Villupuram on all working days at 10.30 a.m., and sign and on the date of



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hearings, till the completion of trial.

[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.

18.08.2023

gd

G.CHANDRASEKHARAN. J.

gd



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To

1. The Principal District and Sessions Court,
Villupuram.
2. The Inspector of Police,
Valavanur Police Station,
Villupuram District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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