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Crl.O.P.No.19500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19500 of 2023

Guna

...Petitioner

Vs.

State rep by its,
The Inspector of Police,
Vepppur Police Station,
Cuddalore District,
(Crime No.196 of 2023)

...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.196 of 2023 on the file of the respondent Police.

For Petitioner : Mr.N.Anandan

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.06.2023 for the offences punishable under Sections 302 and 506 (i) I.P.C, 1860, in Crime No.196 of 2023 on the file of the respondent



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police, seeks bail.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated in the death of his father. He is in judicial custody from 02.06.2023.Thus, this petition is filed for seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that defacto-complainant is the wife of the deceased, and the petitioner is son of the deceased. Deceased made a remark of unjust relationship with the defacto-complainant and her son-in-law. Therefore, there was a fight in the family. Due to this, petitioner and his mother/defacto-complainant went out of the house and stayed separate. Thereafter, the deceased came to the house of defacto-complainant and demanded money. When the defacto-complainant informed this to the petitioner, he wanted to kill him. On 02.06.2023 at about 1.30 p.m , when deceased came opposite to petitioner, petitioner hit the deceased on his head with wooden log. As a result, he suffered head injuries and died.



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4.Considered the rival submissions and perused the records.

5.This is the second bail petition. Earlier bail petition in Crl.O.P.No.16433 of 2023 was dismissed on 25.07.2023, for the reason that investigation in this case is not completed. Now, it is informed by the learned Additional Public Prosecutor that investigation in this case is completed and final report is filed and it is yet to be taken on file.

6.Considering the fact that investigation in this case is completed and that petitioner is in judicial custody from 02.06.2023, this Court is inclined to grant bail to the petitioner with 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.I, Vridhachalam**, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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 at 10.00.a.m., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate No.I
Vridhachalam.
- 2.The Inspector of Police,
Vepppur Police Station,
Cuddalore District.
- 3.Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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