



CrI.OP.No.20575 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20575 of 2023

A.Suresh Kumar

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram.
(Crime No.218 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail pending trial in PRC No.30 of
2023 on the file of learned Judicial Magistrate, Uthiramerur.

For Petitioner : Mr.M.Venkadesh Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 22.05.2023 for the offence punishable under Sections 302 and 201 of I.P.C, in Crime No.218 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.218 of 2023 for the offences under Sections 302 & 201 of IPC. He further submitted that deceased is the elder brother of the petitioner and he is falsely implicated in this case. Petitioner is in judicial custody from 22.05.2023. Thus, he prays for grant of bail.

3. In response, learned Additional Public Prosecutor submitted that deceased and the petitioner are brothers. There is a property dispute between them. Therefore, on the date of occurrence, on 12.05.2023, petitioner had given the deceased a liquor. The *de-facto* complainant after consuming the liquor fell down unconsciously. Taking advantage of this fact, the petitioner hit him with wooden log on his head and caused injuries. Subsequently, he died of the injuries suffered.



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4.Considered the rival submissions and perused the records.

5.This is the second bail petition. Earlier bail petition in CrI.O.P.16919 of 2023 was dismissed on 28.07.2023, for the reason that investigation in this case is not completed. Now it is informed that final report was filed and it was taken on file in P.R.C.No.30 of 2023 before the learned Judicial Magistrate, Uthiramerur. In such circumstances and considering the duration of petitioner's incarceration from 22.05.2023, 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.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **The Judicial Magistrate, Uthiramerur** 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.



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[b] the petitioner shall report before the respondent Police daily 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.

08.09.2023

ep/Apd



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To

- 1.The Judicial Magistrate,
Uthiramerur.
- 2.The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram.
- 3.Vellore Prison,
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

ep/Apd

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