



CrI.OP.No.21419 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

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

CrI.OP.No.21419 of 2023

C.Saravanan

...Petitioner

Vs.

The State Rep by
Inspector of Police,
Kundrathur Police Station,
Chennai.
(Crime No.224 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.224 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : M/s.R.S.Indira

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



CrI.OP.No.21419 of 2023

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2023 for the offences punishable under Sections 147, 148, 294(b), 448, 307, 506(ii) of IPC and altered into Sections 147, 148, 294(b), 448, 302, 506(ii) of IPC in Crime No.224 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in a case registered in Crime No. 224 of 2023 for the offences under Sections 147, 148, 294(b), 448, 307, 506(ii) of IPC and subsequently altered into Sections 147, 148, 294(b), 448, 302, 506(ii) of IPC. Petitioner's name is not mentioned in the FIR. Petitioner has not involved or participated in the alleged murder of the deceased. Petitioner is in Judicial Custody from 13.07.2023. Thus, he seeks bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that, there was a previous enmity between one Badhmaguru's wife Indhumadhi and one Meena. Thereafter, Meena and her relatives, namely, Kumaran and



CrI.OP.No.21419 of 2023

Viswa had come for negotiation in the year 2022 and there arose quarrel.

Thereafter, Badhmaguru had stabbed Kumaran and Viswa. As a result, Kumaran died and Viswa suffered certain grievous injuries. As a retaliation to the murder of the deceased Kumaran, accused headed by the deceased Kumaran's brother and his relatives on 04.05.2023, trespassed into the Badhmaguru's Chicken Shop at about 07.45.p.m., with deadly weapons and started attacking Badhmaguru. As a result, Badhmaguru suffered fatal injuries and died. Petitioner is the own brother of the deceased Badhmaguru and he is the one who plotted the murder of the deceased with the help of the other accused. Petitioner has one previous case pending in Crime No.256 of 2022 registered for the offences under Sections 294(b), 307, 506(ii) and 120(b) of IPC.

4. Considered the rival submissions and perused the records. From the facts elicited, it appears that, it is a case of retaliatory murder. Petitioner is in Judicial Custody from 13.07.2023 and some of the co-accused were granted bail and the material part of the investigation might have been over by this time. Thus, this Court is inclined to grant bail to



CrI.OP.No.21419 of 2023

the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing separate 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 **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 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



CrI.OP.No.21419 of 2023

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.

21.09.2023

Sma

To

1. Judicial Magistrate, Sriperumbudur
2. Inspector of Police,
Kundrathur Police Station,
Chennai.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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Crl.OP.No.21419 of 2023

G.CHANDRASEKHARAN. J.

Sma

Crl.OP.No.21419 of 2023

21.09.2023