



WEB COPY



CrI.OP.No.22436 of 2023

IN THE HIGH Court OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM:

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No.22436 of 2023

Karthick

.. Petitioner

Vs.

State by

Inspector of Police,

Avadi Tank Factory Police Station,

Thiruvallur District.

(Crime No.373 of 2023)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C praying to enlarge the Petitioner on bail in Crime No.373 of 2023 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Manivelan

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 03.07.2023 for the alleged offences punishable under Sections 307, 302, 147, 148, 120B of IPC in Crime No.373 of 2023, on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the Accused – 1 in this case



Crl.OP.No.22436 of 2023

and the *De-facto Complainant* are husband and wife. There was difference of opinion between the husband and the wife. The *De-facto Complainant* left the matrimonial home and lived with her parents. During the period of separation, the *De-facto Complainant* had developed relationship with the deceased who is none other than her maternal uncle. The Petitioner along with other accused persons attacked the *De-facto Complainant* and her maternal uncle with deadly weapons in which, the *De-facto Complainant* suffered injuries and her maternal uncle died on the spot. Hence, the case.

3. The learned Counsel for the Petitioner submitted that the Petitioner is arrayed as A7. A1 in this case is the husband of the *De-facto Complainant*. After marriage, there had been dispute between the husband and the wife. Therefore, the *De-facto Complainant* had left the matrimonial home and lived with her parents. While so, A1 is alleged to have gathered the support of other accused, attacked the *De-facto Complainant* and her maternal uncle in which, the *De-facto Complainant* also suffered injuries. Therefore, the case was registered under Section 307 of IPC and for murdering the maternal uncle of the *De facto*



Crl.OP.No.22436 of 2023

Complainant. Hence, he prays to grant bail to the Petitioner.

WEB COPY

4. The learned Additional Public Prosecutor has submitted that the alleged occurrence took place on 28.06.2023 and the role played by the Petitioner herein who is arrayed as A7 is that he drove the car and brought the other accused to the place of residence of the *De-facto Complainant*. Also the accused after committing heinous crime had escaped in the car driven by this Petitioner. He further submitted that the Petitioner/A7 was in prison for a period of 73 days. However, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also the considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions.

7. Accordingly, the Petitioner is ordered to be released on bail on



Crl.OP.No.22436 of 2023

his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a likesum amount each to the satisfaction of the learned Judicial Magistrate, Ambattur. One of the surety shall be a blood relative. On further condition that :

a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond. The learned Magistrate, Ambattur, may obtain a copy of their Aadhar Card or voter identity card or driving licence or PAN Card or Bank Pass Book with photo affixed and attested by Bank Manager to ensure their identity;

b) the Petitioner shall stay at Madurai and report before the Inspector of Police, K.K.Nagar Police Station, Madurai at 10.30 a.m., until further orders.

c) the Petitioner shall co-operate with pending investigation;

d) the Petitioner shall co-operate with the Court proceedings till disposal of the case after trial;

e) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial:

f) the Petitioner shall not abscond either during investigation or trial;

g) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel



WEB COPY



Crl.OP.No.22436 of 2023

the bail by approaching the Court of the learned Judicial Magistrate, Ambattur or the trial Court as the case may be, as per the stage of the proceedings;

h) the learned Judicial Magistrate/Trial Court as the case may be shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail was granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala (2005) AIR SCW 5560* and

i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

29.09.2023

Vv

SATHI KUMAR SUKUMARA KURUP.J.,



WEB COPY



Crl.OP.No.22436 of 2023

Vv

To

- 1.The Judicial Magistrate, Ambattur.
2. The Inspector of Police,
Avadi Tank Factory Police Station,
Thiruvallur District.
3. The Public Prosecutor,
High Court of Madras, Chennai.
- 4.The Central Prison, Puzhal, Chennai.

Crl.O.P.No.22436 of 2023

29.09.2023