



WEB COPY



CrI.OP.No.22118 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.22118 of 2023

Karuppasamy

...Petitioner

Vs.

The State Rep by
Inspector of Police
E3 Minjur Police Station,
Thiruvallur.
(Crime No.334 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.334 of 2023 on the
file of the respondent police.

For Petitioner : Mr. Azhagu P. Senthilkumar

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



Crl.OP.No.22118 of 2023

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 16.07.2023 for the offences punishable under Sections 294(b), 324 and 307 of IPC altered into Sections 294(b), 324 and 302 of IPC in Crime No.334 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in a case registered in Crime No.334 of 2023 for the offences under Sections 294(b), 324 and 307 of IPC altered into Sections 294(b), 324 and 302 of IPC. Infact, deceased had beaten the petitioner the previous night and there was exchange of blows. There was no intention on the part of the petitioner to commit the murder of the deceased. Petitioner is in Judicial Custody from 16.07.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, petitioner, deceased and one Arumugan along with others were working under the defacto complainant as contract labourers in construction work. Petitioner, deceased and one Arumugan had stayed in



CrI.OP.No.22118 of 2023

one room and others stayed in another room. On 15.07.2023 at about 10.00.p.m., defacto complainant heard a noise from the room of the petitioner. He visited the room and found that, petitioner was scolding the deceased in filthy language and beating him with hands. Defacto complainant pacified him and went to his room. On 16.07.2023 at about 08.00.a.m., he was informed by one Ramesh through phone that, he heard a noise in the room of the petitioner and the deceased and on visiting the room, he found that, petitioner was coming out of the room with wooden log claiming that, he had murdered the deceased.

4. The learned Additional Public Prosecutor further submitted that, deceased had also beaten the petitioner in the previous night. In an inebriated conditions, they used to fight and that fight resulted in murdering the deceased. Investigation in this case is completed and final report is filed and it is yet to be taken on file.

5. Considering the background of the case under which the



CrI.OP.No.22118 of 2023

deceased was murdered and that petitioner is in Judicial Custody from 16.07.2023 and that investigation is completed and final report is filed, this Court is inclined to grant bail to the petitioner.

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 **Learned Judicial Magistrate No.II, Ponneri, Thiruvallur** 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



WEB COPY



CrI.OP.No.22118 of 2023

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.

26.09.2023

sma

To

1. Judicial Magistrate No.II, Ponneri, Thiruvallur
2. Inspector of Police
E3 Minjur Police Station,
Thiruvallur.
3. Central Prison Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.22118 of 2023

G.CHANDRASEKHARAN. J.

sma

Crl.O.P.No.22118 of 2023

26.09.2023