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CrI.OP.No.23621 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.23621 of 2023

B.Senthil Kumar

...Petitioner

Vs.

The State represented by
Inspector of Police,
C-2, Sunguvarchathiram Police Station,
Kancheepuram District.
Crime No.524 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.524 of 2023 pending investigation on the file of the Respondent police.

For Petitioner : Mr.M.Rajan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.08.2023 for the offence punishable under Sections 147, 148, 302,



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120B of IPC r/w Section 3 of Explosive Substances Act, in Crime No.524 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the wife of the defacto complainant was the Panchayat President of Echur Village and their son was doing a business in the name of ADK Enterprises and by that company, he was supplying materials and also transporting it for construction companies.

3.It is also stated that the petitioner is also running another company in the name of ENDEE Infrastructure and Developments Private Limited. There had been a contract between these two companies and the petitioner was given orders to supply materials to ADK Enterprises. There had been various disputes between them and due to which, the contract order had been given to another person namely one Suresh. It is further stated that the suppliers were also shifted to yet another company. All these escalated into a dispute between the parties and for the same, A1 is said to have engaged the other accused to commit the offence. Insofar as the transfer of money is concerned, more than Rs.35 lakhs have been transferred from the account of one Suresh to the account of the petitioner.



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4. These are materials to be examined during the course of trial and the allegations against the petitioner have to be further examined on the basis of the evidence.

5. It is also to be noted that the persons who had been engaged to commit the offence of murder had been detained under Act 14, 1982. There is no previous case against the petitioner.

6. Considering all these aspects and the period of incarceration undergone 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 condition to execute 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, 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 twice at 10.00 a.m., and 5.00



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p.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.

16.10.2023

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To

- 1.The Judicial Magistrate, Sriperumbudur.
- 2.The Central Prison II, Puzhal.
- 3.The Inspector of Police,
C-2, Sunguvarchathiram Police Station,
Kancheepuram District.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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