



WEB COPY



Crl.O.P.No. 25105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

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

Crl.O.P.No.25105 of 2023

Gandhi

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
(Crime No.225 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.225 of 2023
pending on the file of the respondent Police.

For Petitioner : Mr.R.Thirumoorthy

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

ORDER

The petitioner/A3 who was arrested and remanded to judicial
custody on 22.08.2023, originally registered as Man Missing case and



Crl.O.P.No. 25105 of 2023

subsequently, altered to Sections 201, 302, 364 of IPC, on the file of the respondent Police in Crime No.225 of 2023, seeks bail.

2.It is stated that the deceased is the brother of A5 and as on date, A5 also died. The petitioner is the son of A5. There was a quarrel between A5 and the deceased. The case of the prosecution is that the petitioner has transferred a sum of Rs.20,000/- to the account of A1 and A2 and they had committed the offence by cutting the throat of the deceased causing death.

3.The earlier application for bail had been dismissed on the ground that there was a transfer of money from the account of the petitioner to the account of A1 and A2.

4.The learned counsel for the petitioner states that there has been a significance change in circumstance on the ground that A1 and A2 had been granted bail by the learned Principal Sessions Judge, Krishnagiri, by an order dated 01.11.2023 in Crl.M.P.No.3987 of 2023. The learned Sessions Judge had examined the fact that the petitioners therein were in judicial custody for a period of 64 days and therefore, granted bail to them.

5.The learned Government Advocate appearing for the respondent has strongly objected for granting bail to the petitioner.



CrI.O.P.No. 25105 of 2023

6. But, however, the prosecution is always liberty to let in evidence about the transfer of money from the account of the petitioner herein to the account of A1 and A2 as a material evidence during the course of trial.

7. Observing as above, this court is inclined to grant bail to the petitioner with certain conditions.

8. 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, Denkanikottai 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, everyday at 10.30 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



WEB COPY



Crl.O.P.No. 25105 of 2023

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.

02.11.2023

vkf

To

1. The Judicial Magistrate, Denkanikottai.
2. The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No. 25105 of 2023

C.V.KARTHIKEYAN, J.

vkf

Crl.O.P.No.25105 of 2023

02.11.2023