



CrI.O.P.No.26285 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

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

CrI.O.P.No.26285 of 2023

A.Senthamarai,
S/o.Ayothi

...Petitioner

Vs.

State by
The Inspector of Police,
K-1, Sembiam Police Station,
Chennai.

(Crime No.161 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.161 of 2023 on the file of respondent police on such terms and conditions.

For Petitioner : Mr.K.P.Chandrasekaran

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



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ORDER

The petitioner seeks bail in Crime No.161 of 2023, originally registered by the respondent police for the offences punishable under Section 174 Cr.P.C. and subsequently altered to Section 306 IPC. He had been arrested and remanded into judicial custody on 19.09.2023.

2.It is the case of the prosecution A1 had borrowed a sum of Rs.2 lakhs from the deceased and when return was sought, there was a threat. The wife of the deceased had actually given a complaint regarding the threat. Subsequently, there was a further threat held out and owing to that, the deceased had committed suicide.

3.Th earlier application for bail in Crl.O.P.No.22828 of 2023 had been dismissed by this Court on 05.10.2023. Even at that time, it had been observed that A3 was absconding.

4.The learned counsel for the petitioner stated that the petitioner is a senior citizen and he is a Panchayat President and stated that he has to give salary to all those who have working under him.



5.The next application filed in Crime No.24695 of 2023 had been dismissed against the absconding accused that A3 was absconding. It is now informed that A3 had surrendered before the V Metropolitan Magistrate, Egmore. This is one significant change in circumstance and investigation can proceed.

6.In view of the fact that now A3 had also surrendered and that investigation can proceed and taking all other factors into consideration and that the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing 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 V Metropolitan Magistrate, Egmore, Chennai and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.



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[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.

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To

1. The V Metropolitan Magistrate, Egmore, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
K-1, Sembiam Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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