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CrI.OP.No.26910 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

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

CrI.OP.No.26910 of 2023

V.Kamalakaran

...Petitioner

Vs.

The State represented by its
Inspector of Police,
Chetpet Police Station,
Thiruvannamalai.
Crime No.421 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.421 of 2023 on the file of the on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.09.2023 originally registered for the offences under Sections



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294(b) and 307 of IPC and later altered to Sections 294(b) and 302 of IPC, in Crime No.421 of 2023 on the file of the respondent police, seeks bail.

2.The occurrence took place on 22.09.2023 and on the next day, the injured died necessitating alteration of provision from 307 to 302 of IPC.

3.It is the case of the prosecution that the defacto complainant and his uncle were standing near a petrol bunk and the accused came with the spade and for no reason, attacked the deceased who was initially injured and later died. No motive has been given in the First Information Report.

4.The learned counsel for the petitioner stated that there was a previous quarrel but the actual reason for the commission of the offence is not known.

5. It is stated by the respondent that there are seven previous cases against the petitioner herein.

6.Taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 Judicial Magistrate, Polur, 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 10.30 a.m, 1.30 p.m and 6.30 p.m., until further orders. At the time when he appears before the respondent to affix his signature, the respondent, if required, may also forward him after requisition from the Judicial Magistrate, for medical examination, since without any motive, he had caused serious injuries which subsequently led to the death of one person;

[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



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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.

28.11.2023

vkr

To

- 1.The Judicial Magistrate, Polur.
- 2.Central Prison, Vellore.
- 3.The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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