



CrI.O.P.No.1895 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

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

CrI.O.P.No.1895 of 2024
and CrI.M.P.No.3061 of 2024

Arjunraj

...petitioner

Vs.

State represented by
The Inspector of Police,
Thirumanur Police Station,
Ariyalur District.
Crime No.189 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.189 of 2023 on the file of the respondent Police.

For petitioner : Mr.C.Prabakaran

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

For Intervenor : Mr.R.Sathish Kumar



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ORDER

The petitioner who was arrested and remanded to judicial custody on 10.09.2023 for the offences registered by the respondent Police under Sections 427, 449, 302 r/w 34 of IPC, in Crime No.189 of 2023, seeks bail.

2.The petitioner is arrayed as A2. A1 is still in custody. It is stated that as between the first accused and the deceased there were continuous disputes owing to illicit relationships. It is further stated that the accused persons had attacked the deceased on 10.09.2023 consequent to which, he died.

3.The learned counsel for the petitioner stated that this petitioner had also suffered an injury.

4.The learned Government Advocate (crl.side) stated that the investigation has been completed and final report had also been filed and the same had been taken cognizance before the Principal District Judge, Ariyalur as S.C.No.24 of 2024.

5.The learned counsel for the intervenor/defacto complainant raised apprehension about the safety of L.W.1 to L.W.3 to depose freely



during the course of trial.

6.The learned counsel may assist the defacto complainant and other witnesses to seek necessary witness protection from the learned trial Judge under the Witness Protection Scheme 2018 and they can also file an application under the said scheme. If they do so, the learned trial Judge may take up the application in accordance with law and pass appropriate orders.

7.Taking all these factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Ariyalur 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 stay at Krishnagiri and report before the Inspector of Police, All Women Police Station,



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Krishnagiri District, every day at 10.30 a.m., except for Court hearing dates, 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.

9. Accordingly, this Criminal Original Petition is ordered and consequently, connected Miscellaneous Petition is also ordered.

27.02.2024

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To

1. The Judicial Magistrate No.II, Ariyalur.
2. The Central Prison, Trichy.



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- 3.The Inspector of Police,
All Women Police Station, Krishnagiri District.
- 4.The Inspector of Police,
Thirumanur Police Station,
Ariyalur District.
- 5.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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