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Crl.O.P.No.5092 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

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

Crl.O.P.No.5092 of 2024

Baskaran

... Petitioner

Vs.

State represented by
Inspector of Police,
Perambur Police Station,
Mayiladuthurai District.
(Crime No.250 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.250 of 2023 on the file of
the respondent.

For Petitioner : Mr.R.Sivasankar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner/accused in Crime No.250 of 2023, registered by the
respondent police originally for the offence under Section 174 Cr.P.C., and
subsequently altered to Section 302 of IPC for causing death of two persons,



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seeks bail. The petitioner had been remanded to judicial custody on 14.06.2023.

2.It is stated that the petitioner and the deceased, who is his own brother, had a running dispute with respect to an iron fabrication shop. There was also a civil suit pending between two of them. Taking advantage of the fact that the deceased was addicted to alcohol, it is the case of the prosecution that the petitioner had mixed cyanide poison in the alcohol and given it to the deceased who died.

3.The Post Mortem report also shows that there is cyanide poison and that the deceased had died of cyanide poison.

4.The earlier application seeking bail in Crl.O.P.No.1231 of 2024 had been dismissed by this Court on 23.01.2024.

5.It is stated that now the final report had been filed and taken cognizance as P.R.C.No.27 of 2023 by the learned District Munsif cum Judicial Magistrate, Tharangampadi.

6.Taking that particular fact into consideration and 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



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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** District Munsif cum Judicial Magistrate, Tharangampadi, Mayiladuthurai District 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 at the first instance on everyday at 10.30 a.m., for a period of 20 days and thereafter, report before the District Munsif cum Judicial Magistrate, Tharangampadi, everyday, till the date of committal and thereafter, report before the Sessions Judge, on every Monday, Wednesday and Friday, till the date of completion of the trial.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

12.03.2024

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To

- 1.The District Munsif cum Judicial Magistrate,
Tharangampadi, Mayiladuthurai District.
2. The Inspector of Police,
Perambur Police Station,
Mayiladuthurai District.
- 3.The Central Prison, Trichy.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN,J.

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