



Crl.O.P.No.3670 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

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

Crl.O.P.No.3670 of 2024

Elumalai

...petitioner

Vs.

State represented by
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
Crime No.494 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.494 of 2023 on the file of the respondent Police.

For petitioner : Mr.P.M.Jayachandran

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

ORDER

The petitioner/A2 who was arrested and remanded to judicial custody on 08.12.2023 for the offences originally registered by the respondent Police under Section 174 Cr.P.C and subsequently altered to



Crl.O.P.No.3670 of 2024

Sections 302, 201 of IPC and thereafter altered to Sections 120(B), 302 and 201 of IPC in Crime No.494 of 2023, seeks bail.

2.The case of the prosecution is that the complaint was received from the defacto complainant that he and his elder brother who is the deceased were working in a nursery shop and when they were both returning to their Village on 05.12.2023, the accused came in a two wheeler and talked with the deceased. Thereafter, on 06.12.2023, the defacto complainant received an information about the death body being recovered in a quarry which was identified as he is the elder brother of the defacto complainant. It is stated that there was an illegal intimacy with another lady and it was the motive for causing the death.

3.The matter had come up for earlier two or three occasions and on 23.02.2024, it had been observed that A1 is still absconding.

4.But however, the learned Government Advocate (crl.side) stated that a requestion of remand for A1 had been forwarded by the respondent. It is thus seen that A1 had also been secured. This Court raised appreciation to the Inspector of Police, Denkanikottai Police Station, Krishnagiri District for effecting arrest of A1.

5.Taking into consideration the period of incarceration and also of



Crl.O.P.No.3670 of 2024

the fact that the investigation is proceeded to a substantial extent, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 learned District Munsif cum 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 action against the petitioner in accordance with law as if the conditions have been imposed and the



Crl.O.P.No.3670 of 2024

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.

28.02.2024

vkr

To

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

C.V.KARTHIKEYAN. J.

vkr



WEB COPY



Crl.O.P.No.3670 of 2024

Crl.O.P.No.3670 of 2024

28.02.2024