



Crl.O.P.No.5543 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

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

Crl.O.P.No.5543 of 2024

Murugan

...petitioner

Vs.

State represented by
The Inspector of Police,
Pullarambakkam Police Station,
Thiruvallur District.
Crime No.27 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.27 of 2024 on the file of the respondent Police.

For petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 19.01.2024 for the offences registered by the respondent Police under Sections 294(b) and 307 of IPC, in Crime No.27 of 2024 seeks bail.



Crl.O.P.No.5543 of 2024

2.The earlier application seeking bail was dismissed by this Court on 21.02.2024 in Crl.O.P.No.4097 of 2024. On that date, it was noted that the injured was still in hospital.

3.It is now informed that the injured has been discharged from the hospital.

4.The case of the prosecution is that the accused had demanded liquor from the defacto complainant and when he refused, they poured petrol on him and also set fire on him. He suffered 40% of burn injuries.

5.The learned counsel for the petitioner stated that A1 had been granted bail.

6.It is stated by the learned Government Advocate (crl.side) that the petitioner may pay some compensation to the injured.

7.But let may not put that obligation on the petitioner for the present, but rather direct that if the petitioner is convicted of the offences, then the trial Court may direct compensation to be paid either by the accused or under Section 376 Cr.P.C.

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



Crl.O.P.No.5543 of 2024

to the following conditions:

9. Accordingly, the petitioner is ordered to be released on bail on executing a separate 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 Judicial Magistrate No.I, Thiruvallur 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 petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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CrI.O.P.No.5543 of 2024

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.

06.03.2024

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To

1. The Judicial Magistrate No.I, Thiruvallur.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
Pullarambakkam Police Station,
Thiruvallur District.
- 4.The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.5543 of 2024

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.5543 of 2024

06.03.2024