



CrI.O.P.No.21488 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.21488 of 2024

Krishna Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
(Crime No. 143 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 143 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)

ORDER

The petitioner/Accused -2, who was arrested and remanded to
judicial custody on 28.05.2024 for the offences punishable under Section 174
of Cr.P.C., altered to Sections 450, 302, 394 of IPC, in Crime No.143 of



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2024, on the file of the respondent, seeks bail.

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2. The case of the prosecution is that on 24.05.2024 at about 9.00 p.m., when the defacto complainant was at her house, her uncle, namely Pandurangan contacted her through phone call and informed that her aged mother fallen from bed and died. Thereafter, the body of the deceased was sent to Mundiambakkam General Hospital for postmortem. During preliminary investigation, it was found that the petitioner along with other accused have committed murder on the deceased and also took away three grams of jewel. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 95 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that there are two accused in this case and the petitioner herein is ranked as A2. He further submitted that on the date of the alleged occurrence, the petitioner along with other accused have committed murder on the deceased and also took away three grams of jewel. He would further submit that investigation has been completed and charge has also been filed and the same has been taken as PRC.No.11 of 2024 and the petitioner has no previous case against him. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, and considering the fact that investigation has already been completed and the property was also recovered, co-accused was also released on bail, and also taking into consideration the fact that there is no previous case pending against the petitioner and also the number of days of



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incarceration undergone by the accused and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.II, Panruti and on further conditions that:-

[a] the petitioner shall report before the respondent police, concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial 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



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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 269 BNS.

05.09.2024

drl

To

- 1.The Judicial Magistrate No.II,
Panruti.
- 2.The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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