



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.4610 of 2022

1.Gnanasekaran @ Moses
2.Tamizh @ Praveenkumar

... Petitioners

Vs.

State Represented by
The Inspector of Police,
Arambakkam Police Station,
Tiruvallur District.
(Crime No.646 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the Petitioners on bail in connection with Crime No.646 of 2021 pending on the file of the respondent police.

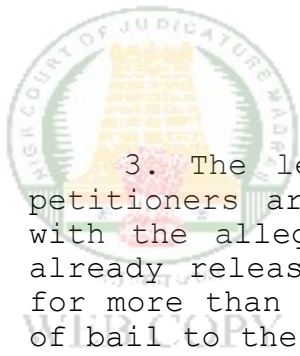
For Petitioners : Mr.P.Chandrasekar

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 23.12.2021 for the offences under Sections 174 of Cr.P.C. altered into Sections 147, 148, 109, 120(b), 201, 302 IPC in Crime No.646 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that based on a information given by on Karthick, the defacto complainant/the Village Administrative Officer went to the spot behind the Garbage Dumping Yard and found traces of burying a human body. Subsequently, he lodged a complaint and the respondent police initially registered the case under 174 Cr.P.C. During enquiry, it was found that the petitioner along with other accused planned and kidnapped the deceased and murdered him. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are ranked as A3 and A4 and they were no way connected with the alleged offence. He further submitted that co-accused were already released on bail and they have been suffering incarceration for more than 80 days from 23.12.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating there are totally 9 accused in this case and all have been arrested and that the petitioners are arrayed as A3 and A4. The deceased used to torture A8 by showing obscene photos and the same was informed to others. Hence, she asked for help from A7. Subsequently, A7 along with other accused had committed murder of the deceased and the A7 and A9 are juveniles they were released. He further submitted that the investigation almost completed and there is no previous case pending against the petitioner.

5. On seeing the fact that there are 9 accused involved in this case out of which, A8 and A9 are juveniles, released on bail by the concerned Court. Further the learned Government Advocate submits that all the accused were secured and the investigation was almost completed.

6. Considering the facts and circumstances of the case and also the submission made by both the counsel and the period of incarceration undergone by the petitioner and the investigation was almost completed and the charge sheet also filed, this Court is inclined to grant bail to the petitioners with certain conditions;

7. Accordingly, the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one must be blood surety) each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Gummidipoondi and on further condition 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two months;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond 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 petitioners 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
18/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARAMPAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.CHANDRASEKAR Advocate on payment of necessary charges SR.NO. 4201

CRL OP.4610/2022

Date :18/03/2022

JPA 18/03/2022