



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION Nos.11365 & 11509 of 2022

PACHAI

[PETITIONER / ACCUSED
IN CRL.O.P.No.11325/2022]

MUNIYAN

[PETITIONER / ACCUSED
IN CRL.O.P.No.11509 /2022]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
D-1, TRIPPLICANE POLICE STATION,
CHENNAI 600 005.
(CRIME NO.155 OF 2022)

[RESPONDENT
IN BOTH PETITIONS]

For Petitioner : M/S.G.MOHANAKRISHNAN Advocate
[IN CRL.O.P.No.11325/2022]

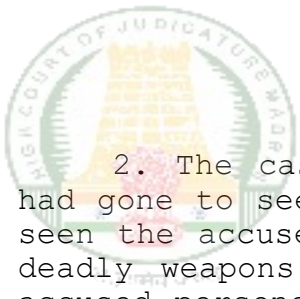
M/S.A.ARASU GANESHAN, Advocate
[IN CRL.O.P.No.11509/2022]

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)
[IN BOTH PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.No.11365 of 2022 was arrested and remanded to judicial custody on 05.03.2022 for alleged offence under Sections 147, 148, 341, 294(b), 302 and 506(ii) r/w 120(B) IPC and the petitioner in Crl.O.P.No.11509 of 2022 surrendered on 22.04.2022 for alleged offence under Sections 147, 148, 341, 294(b), 302 and 506(ii) IPC in Crime No.155 of 2022 on the file of the respondent police, seek bail.



2. The case of the prosecution is that the defacto complainant had gone to see her brother Madhan and while so, she is said to have seen the accused persons abusing the deceased and attacking him with deadly weapons. When the defacto complainant attempted to stop the accused persons, she was also threatened and hence she ran away from the place of occurrence. There are totally 12 accused persons in this case and the petitioner in Crl.O.P.No.11325 of 2022 has been arrayed as A9 and the petitioner in Crl.O.P.No.11509 of 2022 has been arrayed as A12.

3. Learned Government Advocate (Criminal Side) submitted that the previous bail petition filed by the petitioner in Crl.O.P.No.11365 of 2022 was dismissed by this Court on 27.04.2022. Learned Government Advocate (Criminal Side) further submitted that the investigation has been completed and that the final report will be laid before the concerned Court at any time. It was further submitted that there are no previous cases against the petitioners.

4. Learned counsel for the petitioners submitted that the petitioner in Crl.O.P.No.11365 of 2022 has already suffered incarceration for nearly 70 days and the petitioner in Crl.O.P.No.11509 of 2022 has suffered incarceration for nearly 26 days. It was further submitted that some of the co-accused were granted bail by the Court below and hence the petitioners are also entitled to be considered to be enlarged on bail. Learned counsel submitted that the change in circumstance in the present case is the completion of investigation and that the petitioners are willing to comply with any conditions imposed by this Court.

5. Taking into consideration the facts and circumstances of the case and also the fact that there are no previous cases against the petitioners and that the investigation has already been completed and the final report is going to be filed by the respondent before the concerned Court and some of the co-accused have already been granted bail by the Court below, this Court is inclined to enlarge the petitioners on bail by imposing certain stringent conditions.

6. In view of the above, the petitioners are granted bail subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on each of them 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 learned II Metropolitan Magistrate, Egmore, Chennai, 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 petitioners shall report before the respondent police daily at 5.30 p.m, until further orders.

[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 petitioners 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/05/2022

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
D-1, TRIPLICANE POLICE STATION,
CHENNAI 600005.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.MOHANAKRISHNAN Advocate on payment of necessary
charges SR.NO.7118

+2 CC to M/S.A.ARASU GANESHAN Advocate on payment of necessary
charges SR.NO.7133

CRL Ops.11365 & 11509/2022

Date :18/05/2022

JPA 18/05/2022