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Crl.OP.No.21313 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21313 of 2022

Dhenna @ Dhenna Krishnamoorthy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Eruvanchery Police Station,
Gudvasal Taluk,
Thiruvarur District.

(Crime No.162/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioner on bail pending investigation in connection
with the Crime No.162 of 2022 on the file of the respondent.

For Petitioner : Mr.M.J.Srinivas

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.07.2022 for the offences punishable under Sections 147, 148, 341, 294 (b) & 302 of IPC, in Crime No.162 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused, due to previous enmity, committed murder of one Santhosh, son of the de-facto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, he happens to be the friend of the other accused, he has been wrongly implicated in this case and he has nothing to do with the alleged offence. He would further submit that the petitioner is in custody from 07.07.2022 and there is no bad antecedents against the petitioner. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused, due to previous enmity, had unlawfully assembled and committed murder on the de-facto complainant's son namely, Santhosh. He would further submit that the overt act against the petitioner is that he has inflicted injury on the head of the victim. He would also submit that there is no previous case against the petitioner and the major part of the investigation is over. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and taking note of the fact that the major part of the investigation is over, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned District Munsif-cum-Judicial Magistrate, Nannilam**, 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 stay at Vellore and report before the Inspector of Police, Vellore Town Police Station every day at 10.30 a.m. and 5.30 p.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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

12.09.2022

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To

1. The District Munsif-cum-Judicial Magistrate No.I,
Nannilam.
2. The Inspector of Police,
Eruvanchery Police Station,
Gudvasal Taluk,
Thiruvavarur District. .
3. The Sub Jail,
Nagapattinam.
4. The Inspector of Police,
Vellore Town Police Station,
Vellore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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