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Crl.O.P.No.23057 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

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

Crl.O.P.No.23057 of 2022

S.Venish

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-12, Poonamallee Police Station,
Tiruvallore District.

(Crime No.450 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.450 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Prabakar

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 28.07.2022 for the offences punishable under Sections 147, 148, 341 & 302 IPC, in Crime No.450 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 26.07.2022, when the de-facto complainant's brother/victim was coming in his two wheeler bearing registration No.TN-73-AA-1191, the petitioner along with the other accused, due to the previous enmity over the murder of one Venkataman during the year 2018, waylaid the victim and assaulted him indiscriminately with knife all over the body, due to which, the victim died on the spot. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that even as per the prosecution, the



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allegation against the petitioner is that he has passed on the information about the movement of the victim to the other accused in order to execute the murder of the victim and other than the confession statement recorded, no other material is available as against the petitioner to implicate him in the offence. He would also submit that the petitioner is in custody from 28.07.2022 and he is prepared to comply with any stringent condition imposed by this Court and he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there exists a previous enmity between the petitioner's gang and the deceased due to the murder of one Venkatraman during the year 2018 and as a retaliation, on 26.07.2022, the accused waylaid the victim and indiscriminately assaulted him with the knife, due to which, he died on the spot. He would further submit that as far as in this case, the petitioner has passed on the information about the movement of the deceased to other accused. He would also submit that there are two previous cases as against the petitioner. Hence, he opposed to grant bail to the petitioner.



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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 also considering the allegation as against the petitioner is that he has only informed the movement of the deceased and there is no specific overt act as against him that he has inflicted any injuries on the deceased, this Court is inclined to grant bail to the petitioner.

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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Poonamallee**, 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;



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[b] the petitioner shall stay at Madurai and report before the Inspector of Police, Tallakulam Police Station, everyday at 10.30 a.m. and 5.30p.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 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.

22.09.2022

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To
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1. The Judicial Magistrate No.II,
Poonamallee.
2. The Inspector of Police,
T-12, Poonamallee Police Station,
Tiruvallore District.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Tallakulam Police Station,
Madurai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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