



Crl.O.P.No.23291 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

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

Crl.O.P.No.23291 of 2022

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pathirivedu Police Station,
Tiruvallur District.

(Crime No.86 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.86 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.K.Karthik

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 20.07.2022 for the offences punishable under Section 174 Cr.P.C @ 120B, 147, 148, 294(b), 323, 324, 302 & 201 IPC, in Crime No.86 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, who is the Forest Officer, is that on 05.06.2022, while he was on his routine rounds in Irungulam Reserve Forest area, he found a body of a 20 years old male in decomposed stage. Based on the complaint given by the de-facto complainant, a case in Crime No.86 of 2022 was registered under 174 Cr.P.C and during the course of investigation, it came to light that the petitioner along with nine other accused, due to previous enmity taken the victim into the reserve forest area and by made him to consume alcohol and while he was in inebriated condition, they indiscriminately attacked him with knife and committed murder on him. Hence the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, aged about 19 years and he has been roped into this case only based on the suspicion and on the confession statement recorded from the other accused. He would further submit that even as per the prosecution, there is no eyewitness to the murder and other than the confession statement recorded, no other material is available as against the petitioner to implicate him in this offence. He would also submit that the petitioner is in custody from 20.07.2022 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. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused had taken the victim to a secluded place in a forest area and made him to consume alcohol and assaulted him with a knife, while he was in inebriated condition and committed murder of the victim. He would also submit that initially the case has been registered for the offence under Sections 174 Cr.P.C and later, altered to one offence under Sections 120B,



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147, 148, 294(b), 323, 324, 302 & 201 IPC. He would also submit that there is no previous case as against the petitioner. However, he opposed for grant of 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 the submissions made by the learned counsel for the petitioner and also the period of incarceration undergone by the petitioner and also taking note of the age of the petitioner, 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 District Munsif cum Judicial Magistrate, Gummidipoondi**, and on further conditions that:



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[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 Cuddalore and report before the Inspector of Police, Old Town Police Station, Cuddalore, daily at 10.30 a.m. and 05.30 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 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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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To

1. The District Munsif cum Judicial Magistrate,
Gummidipoondi.
2. The Inspector of Police,
Pathirivedu Police Station,
Tiruvallur District.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Old Town Police Station,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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