



Crl.O.P.No.23603 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

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

Crl.O.P.No.23603 of 2022

1. S.Kulothungan

2. A.Thameem Ansari

... Petitioners

Vs.

State rep by its
The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai - 600 040.

(Crime No.282 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail pending investigation in
Crime No.282 of 2022 on the file of the respondent police.

For Petitioners : Mr.T.I.Ramanathan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.08.2022 for the offences punishable under Sections 147, 148, 341, 324 & 302 IPC, in Crime No.282 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution is that the Sandeep Kumar/deceased was a rowdy element, who had a financial dispute with A2 and A3, had demanded to settle the amount through Katta Panchayat. On account of this enmity between them, the accused planned to do away with the said Sandeep Kumar and on 26.08.2022, they unlawfully assembled and assaulted Sandeep Kumar with knife and wooden logs indiscriminately and caused grievous injuries, due to which, he died on the spot. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have accompanied their



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friends during the scuffle and during which, the other accused have assaulted the victim and committed murder. He would also submit that other than accompanying the other accused, the petitioners have not even touched the victim. The learned counsel would submit that the first petitioner is an Engineering Graduate, working in an IT company named Technosoft and the second petitioner is a Diploma graduate working in Just Dial Limited. He would also submit that the petitioners are in custody from 27.08.2022 and they are prepared to comply with any stringent condition imposed by the Court. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are arrayed as A5 & A7 respectively. He would further submit that the petitioners are friends of the main accused and they have joined together and committed murder of one Sandeep Kumar, with whom A2 & A3 has a financial dispute, by indiscriminately assaulting him with knife and wooden log. He would also submit that investigation is pending and hence, he vehemently opposed to grant bail to the petitioners.



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

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners on certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** each with two sureties, each for a like sum to the satisfaction of the **learned V 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;



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[b] the petitioners shall stay at Tirunelveli and report before the Inspector of police, Tirunelveli Town Police Station, every day at 10.30 a.m. and 5.30p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

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

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1. The V Metropolitan Magistrate,
Egmore, Chennai - 600 008.
2. The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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