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Crl.O.P.No.23621 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.O.P.No.23621 of 2022

Loganathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chengalpet Taluk Police Station,
Chengalpet District.

(Crime No.326 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.326
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Ramesh

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 11.07.2022 for the offences punishable under Section 302 of IPC @ 396 and 302 of IPC in Crime No.326 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.06.2022, the petitioner along with the other accused had hired a taxi driven by the victim/deceased and had taken him away to the deserted place near Thirukazhukundram road and by committing murder of the taxi driver, had taken away the car. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner, aged about 20 years, is a coolie labourer in a hotel. He further submitted that the other accused have given a lift the the petitioner to return home in the car, while so, the taxi driver has been committed murder by the other accused. He also submitted that since the petitioner is known to other accused, he has been implicated in this case and other than that, there is no specific allegation as against the petitioner. He further submitted that the



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petitioner is a permanent resident of Perambalur and he has no bad antecedents and he has been in custody from 11.07.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that on the information received from one Paupathy, Village Administrative Officer, that a male body was found on the Thirukazhukundram to Chengalpattu road, a case has been registered for the offence under Section 302 IPC and later during the course of the investigation, it was found that the accused have hired the taxi owned by the deceased and they have taken him to a secluded place and by committing murder of him, taken the car away. He also submitted that there is no previous case as against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the it is the case based on the circumstantial evidence and that there is no material as against the petitioner and seeks for bail.



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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the age of the petitioner and there is no previous case against him, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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, Chengalpattu** 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 Perambalur and report before the Inspector of Police, Perambalur Town 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.

30.09.2022

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To

- 1.The Judicial Magistrate No.II,
Chengalpattu.
- 2.The Inspector of Police,
Chengalpet Taluk Police Station,
Chengalpet District.
3. The Sub Jail, Chengalpattu.
4. The Inspector of Police,
Perambalur Town Police Station,
Perambalur District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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