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Crl.O.P.No.24756 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

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

Crl.O.P.No.24756 of 2022

S.Rakesh

... Petitioner

Vs.

State by,
The Inspector of Police,
T-1, Ambattur Police Station,
Tiruvallur, Tamil Nadu - 600 053
Crime No.573 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge Bail to the Petitioner in Crime No.573 of 2022 pending on
the file of the Respondent Police.

For Petitioner : Mr.P.Athi Veera Rama

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 18.08.2022, for the offences punishable under Sections 147, 148, 341, 302, 120(B) of IPC, in Crime No.573 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that as a retaliation to an earlier murder, the petitioner along with the other accused had committed the murder of the deceased Karthick by cutting him indiscriminately with knife all along the body, resulting in him dying on the same 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, since he happens to be the brother of A1. He would also submit that even as per the prosecution, the allegation as against the petitioner is that he had waylaid the deceased and caught hold him while the other accused inflicted injuries on him. He would further submit that the petitioner was not



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holding any weapon at the time of occurrence. He would also state that the petitioner is in custody from 18.08.2022 and that the petitioner is only 19 years old. Therefore, 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 is arrayed as A5 in this case and he is the brother of the main accused. He would also submit that the overt act attributed as against the petitioner is that he waylaid the deceased and caught hold him when the other accused inflicted injuries on the deceased. He would further submit that the investigation is pending. Therefore, 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, the submission made by the learned counsel, the period of incarceration



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suffered by the petitioner and also the age of the petitioner and also the fact that the overt act as against the petitioner is that he waylaid the deceased and caught hold him when the other accused inflicted 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, Ambattur**, 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 Vendasandur and report before the Inspector of Police, Vendasandur Police Station, Dindigul District, daily at 10.30 a.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;



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[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.

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To

1. The Judicial Magistrate,
Ambattur.
2. The Inspector of Police,
T-1, Ambattur Police Station,
Tiruvallur, Tamil Nadu - 600 053.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Vedasandur Police Station,
Dindigul.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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