



Crl.O.P.No.24705 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.24705 of 2022

Prabakaran

... Petitioner

Vs.

The Inspector of Police,
Mayladuthurai Police Station,
Mayiladuthurai District
(Crime No.636 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.636 of 2022 on the file
Inspector of Police, Mayladuthurai Police Station, Mayiladuthurai.

For Petitioner : Mr.P.Muthamizhselvakumar

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, 294(b), 342, 324, 307, 302, 506(ii) & 120(B) of IPC r/w Section 25(1)(B) of Indian Arms Act, in Crime No.636 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity between A1 and the deceased, the accused had called the deceased to the scene of occurrence, which is a hotel and had assaulted the deceased indiscriminately with Aruval causing disfigurement of the face and head, due to which, the deceased died. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A21 in this case. He would also submit that the petitioner being the younger brother of A1, he has no role to play in this case. He would further submit that even as per the First Information Report, no specific overt act has been attributed as against the petitioner herein. He



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would also state that the petitioner is in custody from 18.08.2022 and there is no previous case as against the petitioner. He would further state that the investigation has been completed and the charge sheet has also been filed and the case now pending committal. 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 the younger brother of the main accused and there was previous enmity between A1 and the deceased in respect of the dispute in the year 2021. Pursuant to which, the accused had called the deceased to a hotel, where all the accused joined together and indiscriminately attacked the deceased with Aruval, resulting in him sustaining grievous injuries, due to which, the face of the deceased has been disfigured and the deceased died on the spot. He would also submit that as far as this petitioner is concerned, he is the younger brother of A1 and he was the person who called the deceased to the scene of occurrence. He would further submit that there is no previous case as against the petitioner. He would also state that the investigation has been completed and the final report



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has also been filed in P.R.C.No.36 of 2022, on the file of the learned Judicial Magistrate No.I, Mayiladuthurai and it is pending committal. Hence, 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 and the submission made by the learned counsel and also taking note of the fact that even as per the First Information Report, there is no specific overt act attributed as against the petitioner and that he is arrayed as A21 in this case and also the investigation has been completed and the final report has also been filed in P.R.C.No.36 of 2022 on the file of the learned Judicial Magistrate No.I, Mayiladuthurai, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on



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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 Court, No-I, Mayiladuthurai**, 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 report before the learned Judicial Magistrate No-I, Mayiladuthurai, on all working days 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;

[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 Judicial Magistrate Court, No-I,
Mayiladuthurai.
2. The Inspector of Police,
Mayladuthurai Police Station,
Mayiladuthurai District
3. The Superintendent,
District Prison,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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