



Crl.O.P.No.24819 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

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

Crl.O.P.No.24819 of 2022

Dinesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-Palur Police Station.
Ariyalur District.
(Crime No.233/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.233
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Kaviyarasu

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 16.09.2022, for the offences punishable under Sections 147, 148, 302 IPC @ 147, 148, 302, 120 (B) r/w 34 IPC, in Crime No.233 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.09.2022, the accused as a sequel and a retaliation to the murder of one Selvamani, committed murder of Saminathan by cutting him indiscriminately with aruval and other deadly weapons. Hence, the case.

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 friend of the main accused. He would further submit that the deceased Saminathan had earlier murdered one Selvamani in the year 2020 and as a retaliation, this offence has been committed. He would also submit that even as per the prosecution, the



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allegation as against the petitioner is that he said to have watched the movements of the deceased and informed the same to the other accused. He would also state that there is no bad antecedents as against the petitioner and he has been in custody from 16.09.2022. The learned counsel would submit that the petitioner has completed his bachelor degree in Visual Communication and he was engaged as photographer to cover the marriage and since his presence was in the CCTV footage, his name has been implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (CrI.Side) appearing for the respondent police would submit that the accused had committed murder of the deceased Saminathan as a retaliation to the murder of one Selvamani in the year 2020. He would also submit that the petitioner, who is also one of the associates of the gang, had watched the movements of the deceased and informed it to the other accused and based on which, the offence has been committed. He would further submit that the petitioner has not indulged in the assault and there is no previous case as against the petitioner. However, he opposed to grant bail to the petitioner.



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

6. Taking into consideration the facts and the submissions made by the learned counsel and also considering the age of the petitioner and the only allegation against him is that he had watched the movements of the deceased, this Court is inclined to grant bail to the petitioner with certain conditions.

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 - I, Jayankondam**, 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 Chennai and report before the Inspector of Police, North Beach 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.

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To

1. The Judicial Magistrate - I,
Jayankondam.
2. The Inspector of Police,
T-Palur Police Station,
Ariyalur District.
3. The Central Prison.
Trichy.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
North Beach Police Station,
Chennai.



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A.D.JAGADISH CHANDIRA.,J.

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