



WEB COPY



Crl.O.P.Nos.25231 & 28085 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

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

Crl.O.P.Nos.25231 & 28085 of 2022

Mohan

... Petitioner in Crl.O.P.No.25231 of 2022

A.Suresh @ Nollai Suresh @ Kumaravel

... Petitioner in Crl.O.P.No.28085 of 2022

Vs.

The State represented by,
The Inspector of Police,
G-2 Periamet Police Station.
Chennai.

(Crime No.228/2022).

... Respondent in both Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners on bail in connection with the Crime No.228 of 2022 pending investigation on the file of the respondent Police.



Crl.O.P.Nos.25231 & 28085 of 2022

WEB COPY

In Crl.O.P.No.25231 of 2022,

For Petitioners : Mr.R.Mukesh Kannah

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)

In Crl.O.P.No.28085 of 2022,

For Petitioners : Mr.D.Manoj Kumar

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.09.2022 and 29.09.2022 respectively for the offences punishable under Sections 195A, 506(i) IPC, in Crime No.228 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant Gurunath Pandian is that on 28.09.2022, he along with the other witnesses had gone to the Court to give evidence in the case in S.C.No.280 of 2021, where the case was adjourned to 07.10.2022 and after coming out of Court, they were threatened by the accused stating that if they give evidence against them on 07.10.2022, they will be killed. Hence the case.



WEB COPY

3. The learned counsel appearing for the petitioners submitted that the petitioners are accused facing trial in S.C.No.280 of 2021 and they are regularly appearing before the Court, however, the de-facto complainant in order to prejudice the mind of the learned trial Judge has given a false complaint against them, as if they had threatened the de-facto complainant. He further submitted that the de-facto complainant had achieved his object to keep the petitioners in custody and also stated that the respondent are wantonly not producing the witness for trial. He also stated that the petitioners will undertake that they will not interfere or threaten the witnesses. He further submitted that the petitioners are in custody for more than two months and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners are habitual offenders and also stated that they have earlier murdered the de-facto complainant's mother and when they had come to court on 28.09.2022, the accused have threatened



Crl.O.P.Nos.25231 & 28085 of 2022

the de-facto complainant and others that not to give evidence as against them. hence, he vehemently opposed to grant bail to the petitioners.

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 the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with 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 II Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and



Crl.O.P.Nos.25231 & 28085 of 2022

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 petitioners shall appear before the learned trial Court on all working days at 10.30 a.m., until further orders and also report before the respondent Police, everyday at 6.30 p.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.

01.12.2022

ham



Crl.O.P.Nos.25231 & 28085 of 2022

WEB COPY

To

1. The II Metropolitan Magistrate, Egmore,
Chennai.
2. The Inspector of Police,
G-2 Periamet Police Station,
Chennai.
3. The Central Puzhal Prison-II,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.Nos.25231 & 28085 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.Nos.25231 & 28085 of 2022

01.12.2022