



Crl.O.P.No.25414 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.O.P.No.25414 of 2022

M.Vinoth @ Urulai Vinoth

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
E-5, Sholavaram Police Station,
Chennai.
(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 pending investigation in Crime
No.636 of 2022 on the file of the respondent Police.

For Petitioner : Mr.C.Dinesh Kumar

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 09.08.2022, for the offences punishable under Section 302 of IPC, in Crime No.636 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Indirani is that her son was staying in the house along with his friend. While so, her son was found dead in the house and based on the complaint, a case was registered.

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 also submit that even as per the complaint, the defacto complainant has alleged that her son was staying in house along with his friends and the name of the petitioner is not found in the First Information Report, but, he has been later implicated based on the intervention of the police. He would further



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submit that the petitioner is in custody for the past more than 65 days and there is no eye witness to the occurrence. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is the friend of the main accused and he along with the main accused and the deceased was staying in the house, due some enmity they have committed murder of the son of the defacto complainant. He would also submit that though, the name of the petitioner does not found in the First Information Report, he has also stayed along with the deceased in the house. He would also state that there is one previous case for the offence under Section 307 of IPC as against the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the



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case, the submissions made by the learned counsel and the period of incarceration suffered by the petitioner, 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-II, Ponneri**, 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 Tanjore and report before the Inspector of Police, Town Police Station, Tanjore, daily at 10.30 a.m., and 05.30 p.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,



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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.

19.10.2022

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To

1. The Judicial Magistrate-II, Ponneri.
2. The Inspector of Police,
E-5, Sholavaram Police Station,
Chennai.
3. The Puzhal Central Prison, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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