



Crl.O.P.Nos.25418 & 25515 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.Nos.25418 & 25515 of 2022

1. Mathiyalagan
2. Vijay
3. Rameshkumar
4. Arularasan

... Petitioners in Crl.O.P.No.25418 of 2022

Gowtham

... Petitioner in Crl.O.P.No.25515 of 2022

Vs.

State rep. by,
The Inspector of Police,
Velankanni Police Station,
Nagapattinam.
(Crime No.288 of 2022)

... Respondent in both Crl.O.P.s'

Common Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the Petitioners on bail in Crime No.288 of 2022 on the file of the respondent Police.



Crl.O.P.Nos.25418 & 25515 of 2022

For Petitioner : Mr.M.Mohammed Riyaz
in Crl.O.P.No.25418 of 2022

For Petitioner : Mr.C.Iyyapparaj
in Crl.O.P.No.25515 of 2022

For Respondent : Mr.C.E.Pratap
in both Crl.O.P.s' Government Advocate (Crl. Side)

COMMON ORDER

The petitioners in Crl.O.P.No.25418 of 2022, who were arrested and remanded to judicial custody on 30.08.2022 and the petitioner in Crl.O.P.No.25515 of 2022, who was arrested and remanded to judicial custody on 09.09.2022, for the offences punishable under Sections 147, 148, 449, 307, 302 of IPC, in Crime No.288 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant is that he is a local politician in a party and that his brother one Manohar was running a hotel and was doing Finance business and one Manivel was working as a Collection Agent in the finance company. While so, on 17.08.2022, at about 09.30 p.m., when his brother and Manivel were in the



Crl.O.P.Nos.25418 & 25515 of 2022

shop, unexpectedly ten unknown persons aged about 20 to 30 years had trespassed into the shop and four of them were armed with Aruval and had assaulted his brother and the said Manivel indiscriminately with Aruval resulting in them sustaining injuries and his brother passed away. Hence, the complaint.

3. The learned counsel appearing for the petitioners in Crl.O.P.No.25418 of 2022 would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that even as per the complaint, the defacto complainant is not a witness to the occurrence and he has stated that 10 unknown persons had come and only 4 persons were armed with Aruval and he has also stated that only on later information, he came to the name of the assailants and thereby, the petitioners have been falsely implicated in this case. He would further submit that the petitioners are in custody from 30.08.2022. Therefore, he prays for grant of bail to the petitioners.



Crl.O.P.Nos.25418 & 25515 of 2022

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4. The learned counsel appearing for the petitioner in Crl.O.P.No.25515 of 2022 would submit that the name of the petitioner does not find a place in the First Information Report. He would also submit that even as per the allegation, it is alleged that the petitioner is the person, who was stated to have arranged hotel for the assailants and other than that there is no specific allegations as against this petitioner. Therefore, he prays for grant of bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners are henchmen of A1/Maheshwaran @ Appanu and he had enmity with the brother of the defacto complainant on account of taking a market on lease, due to which, A1 had engaged these persons, who are the henchmen and had committed the murder of the deceased. He would also submit that they have also attacked the employee of the deceased. He would further submit that the investigation is pending. He would also state that even as per the First Information Report, the injured Manivel has not given any complaint and the complaint has been given only by the brother of the deceased. He would further state that the



Crl.O.P.Nos.25418 & 25515 of 2022

defacto complainant has also stated that only on later information, he came to know the names of the accused persons. He would also state that A6, A8 and A10 have previous cases as against them. Hence, he vehemently opposed to grant bail to the petitioner.

6. At this juncture, in reply, learned counsel appearing for the petitioners in Crl.O.P.No.25418 of 2022 would submit that the cases are relating to Arms Act registered during the year 2020. Therefore, he prays for grant of bail to the petitioners.

7. Heard both the learned counsel and perused the materials available on record including the First Information Report.

8. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners.



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9. 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Nagapattinam**, 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 petitioners shall stay at Krishnagiri and report before the Inspector of Police, Town Police Station, Krishnagiri, daily at 10.30 a.m., and 05.30 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



Crl.O.P.Nos.25418 & 25515 of 2022

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 No.I,
Nagapattinam.
2. The Inspector of Police,
Velankanni Police Station,
Nagapattinam.
3. The District Jail,
Pudhukottai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.Nos.25418 & 25515 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.Nos.25418 & 25515 of 2022

19.10.2022