



Crl.O.P.No.26604 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

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

Crl.OP.No.26604 of 2022

S.Manoj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Auroville Police Station,
Villupuram District.

Crime No.176 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to release the petitioner on bail in Crime No.176 of 2022 on the file of
the respondent Police Station.

For Petitioner : Mr.R.Chakkaravarthy

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 11.08.2022 for the offences punishable under Sections 341, 294(b), 506(2), 120(b), 302 r/w 109 of IPC, in Crime No.176 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.08.2022, due to previous enmity, with regard to the murder of the husband of the fifth accused viz., Shankar in the year 2019, the petitioner along with the other accused committed murder of the de-facto complainant's father. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, aged about 19 years, is an innocent person and he has been falsely implicated in this case. He would also submit that the overt act attributed as against the petitioner is that he present along with the other accused and has also inflicted injuries on the deceased. He would also submit that the petitioner is in custody from 11.08.2022 and he is also prepared to



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abide by any stringent conditions that may be imposed on him. He would also state that the co-accused in this case has already been granted with bail by this Court in Crl.O.P.No.22200 of 2022 dated 15.09.2022 and 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 along with the other accused in retaliation to the murder of one Shankar, committed the murder of the deceased Jayakumar. He would also submit that as far as the overt act as against the petitioner is concerned, he along with the other accused had inflicted injuries on the victim. He would further submit that the major part of the investigation is over. Therefore, he vehemently opposed to grant bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioner and also considering the age of 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, Vanur**, 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 Chennai and report before the Inspector of Police, North Beach Police Station, Chennai 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;



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[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.

03.11.2022

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To

1. The Judicial Magistrate, Vanur.
2. The Inspector of Police,
Auroville Police Station,
Villupuram District.
3. The Inspector of Police,
North Beach Police Station,
Chennai.
4. The Central Prison, Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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