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Crl.O.P.No.26569 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

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

Crl.O.P.No.26569 of 2022

S.Selvakumar

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
T.Palur Police Station,
Ariyalur District,
Tamil Nadu.

(Crime No.233/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.233
of 2022 dated 07.09.2022 pending investigation on the file of the respondent
Police.

For Petitioner : Mr.D.Alexis Sudhakar

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 09.09.2022 for the offences punishable under Sections 147, 148, 302 of IPC @ 147, 148, 302, 120 (B), 34 of 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 retaliation to the murder of the brother of the first accused/Selvamani, the petitioner along with the other accused conspired together, unlawfully assembled and committed murder of the one Swaminathan by indiscriminately attacking him with knife. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he happened to be the friend of the main accused. He would also submit that the name of the petitioner does not find place in the First Information Report and also, even as per the prosecution, the petitioner has not inflicted any injuries on the deceased. He would also submit that the petitioner is in custody from 09.09.2022 and he is prepared to abide by any



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stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the accused is arrayed as A8 in this case. He would further submit that due to the previous enmity on account of the murder of one Selvamani, brother of A1, the petitioner along with the other accused conspired together and waylaid the deceased and assaulted him with knife, due to which, he suffered grievous injuries and died on the spot. He would further submit that the allegation as against the petitioner is that he had caused damage to the CCTV camera which was fixed at the scene of occurrence and destroyed the evidence. He would also submit that there is no previous case as against the petitioner. However, 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.

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



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and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, 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 Principal Sessions Court, Ariyalur**, 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, every day at 10.30 a.m. and 5.30 p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 229A IPC;

02.11.2022

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To

1. The Principal Sessions Court,
Ariyalur.
2. The Sub Inspector of Police,
T.Palur Police Station,
Ariyalur District.
3. The Central Prison, Trichy.
4. The Inspector of Police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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