



Crl.O.P.No.27336 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

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

Crl.O.P.No.27336 of 2022

Giri Prasad

... Petitioner

Vs.

State represented by,
The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai.

(Crime No.311 of 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.311
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Robert

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 15.09.2022 for the alleged offences punishable under Sections 302 & 120 B of IPC, in Crime No.311 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Rebacca is that in retaliation to the murder of one Vijaya Moorthy, the accused conspired together and on 05.09.2022, committed the murder of the de-facto complainant's husband by indiscriminately cutting him with aruval. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that the allegations are made only as against the other accused namely Kathirvel, Selva and Pondi, who are stated to have committed murder of the husband of the de-facto complainant and even the name of the petitioner does not find place in the First Information Report. He would also submit that the



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petitioner is an MBA graduate, working in an IT company and he has been falsely implicated in this case, since he happens to be the friend of the other accused. He would also state that there is no bad antecedence as against the petitioner and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner, who is arrayed as A6, is an associate of the other accused. He would further submit that in retaliation to the murder of one Vijaya Moorthy, the accused have conspired together to do away with the husband of the de-facto complainant and assaulted him indiscriminately with machete, while he was returning back to home, due to which, he died on the same spot. He would also submit that the allegation as against the petitioner is that he, who is the friend of the main accused, is part of the conspiracy and had also arranged for stay to the other accused in a hotel at Thiruvannamipur and also noticed the movement of the deceased and informed the same to the main accused, which helped the other accused to commit the murder. He would also state that there is no previous case as against the petitioner. However, he would oppose for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent 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 for the petitioner and also taking note of the allegation made as against the petitioner that he had only arranged a room for the other accused and watched the movement of the deceased and also considering the period of incarceration undergone 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 XVIII Metropolitan Magistrate, Saidapet, Chennai** and on further conditions that:



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[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 Palakarai and report before the Inspector of Police, Palakarai Police Station, Trichy everyday at 10.30 a.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, 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.

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To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai.
3. The Central Prison,
Puzhal - II, Chennai.
4. The Inspector of Police,
Palakarai Police Station,
Trichy.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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