



Crl.O.P.No.27531 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM

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

Crl.O.P.No.27531 of 2022

1. Guna

2. Muruganantham @ Om Muruga

... Petitioners

Vs.

State rep. by,
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

(Crime No.288 of 2022)

... Respondent

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

For Petitioner : Mr.J.Ramkumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who were arrested and remanded to judicial custody on 23.08.2022 and 01.09.2022 respectively, 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 de-facto 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 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.



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3. The learned counsel appearing for the petitioners 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 de-facto complainant is not a witness to the occurrence and he has stated that 10 unknown persons have 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 implicated in this case. He would further submit that even as per the investigation, the allegation is that the petitioners were stood outside the shop and the main accused were stated to have entered into the shop and committed the offence. He would also state that some of the co-accused in this case have been granted with bail by this Court in Crl.O.P.Nos.25418 & 25515 of 2022 dated 19.10.2022 and the petitioners are in custody from 23.08.2022 and 01.09.2022 respectively. Therefore, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the



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respondent would submit that the petitioners, who are arrayed as A5 and A9, are henchmen of A1/Maheshwaran @ Appanu, who had an enmity with the brother of the de-facto 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 de-facto complainant has also stated that only on later information, he came to know the names of the accused persons. He would also state that in respect of the first petitioner there is one previous case pending against him and in respect of the second petitioner, there is no previous case. However, he would vehemently oppose for grant of bail to the petitioner.

5. At this juncture, in reply, learned counsel appearing for the petitioners would submit that the case pending as against the first petitioner



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was registered only on account of the quarrel, for the offence under Sections 294(b) & 506(ii) IPC and which is also registered during the year 2020.

Therefore, he prays for grant of bail to the petitioners.

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

7. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

8. 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) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Nagapattinam**, 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 petitioners shall stay at Krishnagiri and report before the Inspector of Police, Town Police Station, Krishnagiri, daily at 10.30 a.m., and 05.30p.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 Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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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 Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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