



Crl.O.P.No.27527 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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

Crl.O.P.No.27527 of 2022

Vignesh @ Vicky

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velankanni Police Station,
Nagapattinam.

(Crime No.288 of 2022)

... Respondent

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

For Petitioner : M/s.D.Geetha

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 10.09.2022, 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, seeks 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 petitioner would submit that the petitioner is an innocent person and even his name does not find a place in the First Information Report. He would also submit that the de-facto 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 know the name of the assailants and thereby, the petitioner has been falsely implicated in this case. He would further submit that even as per the allegation the petitioner has accompanied the other accused and other than that there is no specific allegations as against him. He would also state that the co-accused in this case has been granted with bail by this Court in Crl.O.P.Nos.25418 & 25515 of 2022 dated 19.10.2022 and the petitioner is in custody from 10.09.2022. 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, who is arrayed as A13 in this case, is the henchmen of A1/Maheshwaran @ Appanu, who he had enmity



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with the brother of the de-facto complainant on account of taking a market on lease, due to which, A1 had engaged the henchmen and had committed the murder of the deceased. He would also submit that the accused 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. Hence, 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 of the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that the co-accused have been granted bail by this Court and also



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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 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 petitioner 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 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.

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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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