



CrI.O.P.No.28589 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.11.2022**

CORAM

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

CrI.O.P.No.28589 of 2022

Suryaprakash @ Steward

... Petitioner

Vs.

State, Rep. By
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

(Crime No.288 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail, pending investigation of the case in
the Crime No.288 of 2022 on the file of the respondent.

For Petitioner

: Mr.G.Ponnambalathiyagarajan

For Respondent

: Mr.S.Raja Kumar
Additional Public Prosecutor



Crl.O.P.No.28589 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.10.2022 for the offences punishable under Sections 147, 148, 449, 307, 302, 149, 120B, 109 and 201 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 defacto 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 case.

3. The learned counsel appearing for the petitioner would submit



Crl.O.P.No.28589 of 2022

that the petitioner is an innocent and he has been falsely implicated in this case. He would also submit that even as per the complaint, the defacto complainant is not an 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 the name of the assailants and thereby, the petitioner has been falsely implicated in this case. He would further submit that the co accused in this case has been granted bail by this Court in Crl.O.P.Nos.25418 & 25515 of 2022 dated 19.10.2022. Therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is arrayed as A19 and he is one of the henchmen of A1/Maheshwaran @ Appanu and that the A1 had enmity with the brother of the defacto 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



Crl.O.P.No.28589 of 2022

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 defacto complainant has also stated that only on later information, he came to know the names of the accused persons. He would also state that A6, A8 and A10 have previous cases as against them. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, 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



Crl.O.P.No.28589 of 2022

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;

[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]**;



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Crl.O.P.No.28589 of 2022

A.D.JAGADISH CHANDIRA,J.

shk

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

22.11.2022

shk

To

1. The Judicial Magistrate No.I,
Nagapattinam.
2. The Inspector of Police,
Velankanni Police Station,
Nagapattinam.
3. The District Jail,
Pudukottai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.28589 of 2022