



Crl.O.P.No.29193 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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

Crl.O.P.No.29193 of 2022

1. Arputha Thavaseelan

2. Siva

3. Sivakumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
S-10 Pallikaranai Police Station.
Chennai - 600100.

(Crime No.1007/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.1007 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Vivek

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.09.2022 for the alleged offences under Sections 302 & 307 IPC @ 147, 148, 302, 307 & 342 of IPC, in Crime No.1007 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant Daniel Alwyn is that his elder brother Bright Alwyn has got several previous cases before the Pallikaranai and Perubakkam Police stations. On 27.09.2022, around 8.30 p.m., he received an information that his brother Bright Alwyn and his friend Perumal were assaulted by Praveen, Sasikumar and his friends and the injured were sent to Chrompet Government Hospital. When the de-facto complainant rushed to the hospital, he found that his brother was found dead with injuries on head and throughout his body and his friend Perumal was also found with injuries on head. On enquiring the said Perumal, he had informed that he along with the de-facto complainant's brother/victim went to meet the accused for a compromise talk for their previous dispute, where the accused had quarreled with them by saying not



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to interfere in the college issues had assaulted them indiscriminately with knife, in which the said Perumal escaped with the cut injuries on his head and later, taken the victim along with him to the Chrompet Government Hospital. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case, since they happen to be the friend of one Sasikumar (A2). He further submitted that even as per the complaint, the *de-facto* complainant is not the witness to the occurrence and he is only an hearsay witness and he is stated to have given the complaint only based on the information given by one Perumal, who was in the hospital. He further submitted that if only the said Perumal had seen the petitioners, statement could have been recorded from him. He also stated that the petitioners are youngsters aged about 19, 20, 21 years respectively and they have been arrested only based on the suspicion and they do not have any bad antecedents. He also submit that the petitioners are in custody from 30.09.2022 and major part of the investigation is over, hence, he prayed to grant bail to the petitioners.



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4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners, who are arrayed as A4, A5 & A6 respectively, are friends of one Sasikumar (A2) and he further submitted that the brother of the *de-facto* complainant Bright Alwyn, who is the former student of the college, used to interfere in the disputes in the college, due to which, there was an enmity between the said Sasikumar and on account of which, the accused conspired together and assaulted the victim and his friend Perumal with knife indiscriminately, causing grievous injuries and in which, the brother of the *de-facto* complainant passed away. He also submitted that the investigation is pending and there is no previous case as against the petitioners, however, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners 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 and the submissions made by the learned counsel and taking note of the fact that there is no previous case as against the petitioners and the period of



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incarceration undergone by them and also considering the age of the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. 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 thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Alandur, Chennai** 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 petitioners shall stay at Cuddalore and report before the Inspector of Police, Cuddalore Old Town Police Station, everyday at 10.30 a.m. and 5.30p.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,



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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]***;

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

28.11.2022

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To

1. The Judicial Magistrate - II,
Alandur, Chennai - 16.
2. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai - 600 100.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Cuddalore Old Town Police Station,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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