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Crl.O.P.No.6133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

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

Crl.O.P.No.6133 of 2023

Raja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Katpadi Police Station,
Vellore District.

(Crime No.419 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.419 of 2022 , pending investigation on the file of the respondent
Police.

For Petitioner : Mr.G.Nirmal Krishnan

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 22.01.2023, in connection with Crime No.419 of 2022, registered for “Man Missing” and altered for the offence punishable under Sections 147, 148, 201, 294(b) & 302 of IPC r/w 34 of IPC, on the file of the respondent police, seeks bail.

2. The *de-facto* complainant, Bharathi has lodged a complaint stating that her son, Venkatesan was missing from 12.12.2022 and thereby, based on her complaint, a “Man Missing” case in Crime No. 419 of 2022 was registered by the respondent Police on 13.12.2022. During the course of investigation, it came to light that the accused, who were having enmity with the son of the *de-facto* complainant/victim, had taken the victim to a secluded place and made him to consume liquor and committed murder of him, by assaulting him with knife and hands and disposed his body in a nearby place, thereby, the case has been altered to one under 147, 148, 201, 294(b) & 302 of IPC r/w 34 of IPC. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 20 years and he has been falsely implicated in this case. He further submitted that he has been implicated in this case, only based on the confession statement recorded from A6 that the petitioner is also one among their gang. He also submitted that other than the confession statement, no other material was available as against the petitioner and also submitted that absolutely there is no eye-witness to the occurrence. He further submitted that the petitioner is in custody from 22.01.2023 and the major part of the investigation is over and he is also prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity, the petitioner (A7) along with other accused had kidnapped the victim to a secluded place and made him to consume liquor and committed murder of him, while he was in an inebriated stage, by assaulting him with knife and hands. He further submitted that the first accused had assaulted the deceased with knife and others had assaulted him with hands. He also submitted that based on the



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confession statement recorded from the sixth accused, who is one among the hirelings, the petitioner has been arrested. He further submitted that no previous case is pending as against the petitioner. He also submitted that the investigation has been completed and the case has also been taken up in P.R.C.No.2 of 2023, pending committal on the file of the learned Judicial Magistrate, Katpadi, therefore, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and taking note of the period of incarceration undergone by the petitioner and also considering the age of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)**



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with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means), for a like sum to the satisfaction of the **learned Judicial Magistrate, Katpadi**, 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 appear before the learned Judicial Magistrate, Katpadi, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

24.03.2023

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To

1. The Judicial Magistrate,
Katpadi.
2. The Inspector of Police,
Katpadi Police Station,
Vellore District.
3. The Central Jail,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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