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Crl.O.P.No.6532 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.No.6532 of 2023

Lokesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur.

(Crime No.89 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in S.C.No.235 of 2022 pending trial
on the file of the learned III Additional District and Sessions Judge, Vellore
@ Tirupattur, Tirupattur District.

For Petitioner : Mr.E.Kannadasan

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 17.05.2022, in S.C.No.235 of 2022, in connection with Crime No.89 of 2022 registered for the offences under Sections 294(b), 323, 324, 302 & 506(ii) of IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant/ Annadurai, is that due to the previous enmity, on account of the dispute arouse during the Pongal festival, on 30.04.2022, the accused have indiscriminately assaulted the de-facto complainant's son with knife and he was taken to the hospital. Even after the victim was admitted in the hospital, the accused have followed the victim to the hospital and assaulted him again with knife and committed murder of him. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He further submitted that even as per the prosecution, the specific overt act attributed as against the petitioner is that he had assaulted the victim with hands. Thereby,



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the petitioner was arrested on 17.05.2022, subsequently, he was detained under Act 14, whereas, the detention order was quashed by this Court in H.C.P.No.1661 of 2022 vide order dated 08.03.2023. He also submitted the case has also been committed to Court of Sessions and taken up on file in S.C.No.235 of 2022 pending on the file of the III Additional District and Sessions Judge, Vellore @ Tirupathur District. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous dispute, the petitioner (A3) along with other accused has committed murder of the de-facto complainant's son by assaulting him indiscriminately with knife. He further submitted that charge sheet has been filed and the case has also been taken up on the file of the III Additional District and Sessions Judge, Vellore @ Tirupathur District in S.C.No.235 of 2022. However, he opposed for grant of bail to the petitioner.



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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 the facts and circumstances of the case, the submissions made by either side and taking note of the period of incarceration undergone by this 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Tirupattur**, 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 report before the **learned trial Judge, on all working days at 10.30 a.m.,**



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for a period of three weeks and thereafter, on the dates fixed by the learned trial Judge;

[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]*;

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

23.03.2023

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To

1. The Judicial Magistrate No.II ,
Tirupattur.
2. The III Additional District and Sessions Judge,
Vellore @ Tirupattur, Tirupattur District.
3. The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur.
4. The Central Prison,
Vellore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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