



Crl.O.P.No.7321 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.7321 of 2023

Narayanamoorthy @ Thirunarayanamoorthy

... petitioner

Vs.

The State represented by,
Inspector of Police,
Vikravandi Police Station,
Villupuram District.

(Crime No.554 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.554 of 2022, pending on the file of the respondent police.

For petitioner : M/s. K. Sudhakar

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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Crl.O.P.No.7321 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.02.2023 for the offences punishable under Sections 147, 148,120(B),341,302 altered to 147,148,120(B),341,302 of I.P.C read with Section 4(a), 5 of Explosive Substance Act in Crime No.554 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant / Shanthi is that her husband is a witness in S.C.No.402 of 2021 which is pending on the file of the Sessions Court Villupuram and the accused who are facing trial in S.C.No.402 of 2021 had threatened her husband not to give evidence against them and there was enmity. Further on account of the same they have waylaid her husband and assaulted him with knife and hurled explosives resulting in him sustaining injuries and dying on the spot. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since he happens to be the friend of the A1/Lakshminarayanan, he has been falsely implicated in this case. He would further submit that even as per the defacto complainant he is not a



Crl.O.P.No.7321 of 2023

witness to the occurrence and the information has been given by someone else. Thereby, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that since the husband of the defacto complainant was a witness to the case, the petitioner along with other accused attacked him with knife and murdered him. He would further submit that A1 to A4 were detained under Act 14 and as far as the petitioner is concerned he is having one previous case and he has been recently arrested.

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 also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



Crl.O.P.No.7321 of 2023

WEB COPY

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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Vikravandi** 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 Dindigul and report before the Dindigul Town police station daily at 10:30 a.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



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Crl.O.P.No.7321 of 2023

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.

17.04.2023

smn

To

1. The learned Judicial Magistrate, Vikravandi
2. Inspector of Police,
Vikravandi Police Station,
Villupuram District.
3. The Central Jail,
Cuddalore
4. The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.7321 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.7321 of 2023

17.04.2023