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Crl.O.P.No.7609 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

Crl.O.P.No.7609 of 2023

Silambarasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sirkali Police Station,
Mayiladuthurai District.

(Crime No.542 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.542 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.C.T.Saravanan

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 26.12.2022, for the offences punishable under Sections 147, 148, 341, 149 of IPC and later, altered to 147, 148, 302, 149, 120(B), 342, 427, 294(b) & 506(ii) of IPC, in Crime No.542 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Kavitha is that there was a previous enmity between her son Dinesh/deceased and one Aravinth and on account of the same, on 25.12.2022, the accused have waylaid the car driven by her son and abused him in a filthy language and indiscriminately assaulted him with wooden logs and billhook, due to which, he sustained grievous injuries. Later, he was taken to the hospital, where, he was declared brought dead. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since respondent suspects that the petitioner is also a member of A1's



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gang. He further submitted that the petitioner was not present at the scene of occurrence and he has been falsely roped in this case. He also submitted that the petitioner was arrested on 26.12.2022 and he is in custody for more than three months and till date, the final report has not been filed by the respondent Police, thereby, the petitioner is entitled for statutory bail. 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 (A4), who is the member of A1's gang, along with other accused has committed murder of the de-facto complainant's son by indiscriminately assaulting him with wooden log and bill hook. He also submitted that one previous case is pending as against the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and taking note of the fact that till date, the respondent has not filed the final report and also considering the period of incarceration undergone by 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sirkali**, 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 respondent Police everyday at 06.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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]***;

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

06.04.2023

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To

1. The Judicial Magistrate,
Sirkali.
2. The Inspector of Police,
Sirkali Police Station,
Mayiladuthurai District.
3. The District Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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