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CrI.O.P.No.10702 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.10702 of 2023

1.Rajesh Kumar @ Raj

2.Jayakumar @ Viji @ Ajay

3.Yuvaraj

4.Vetriselvan @ Vetri

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Shankar Nagar Police Station,
Chennai – 75.

(Crime No.514 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.514 of 2022 on the file
of the respondent police.

For Petitioners : Mr.C.V.Ilangovan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.09.2022, for the offence punishable under Sections 147, 148, 294(b), 302, 307 and 341 of IPC @ Sections 147, 148, 149, 294(b), 302, 307, 341 and 506(ii) of IPC , in connection with Crime No.514 of 2022, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that on the date of occurrence i.e., on 05.09.2022, there was a wordy quarrel between the petitioners, other accused, the defacto complainant and the brother of the defacto complainant, during the quarrel, the petitioners along with other accused have attacked the defacto complainant and his brother with knife, as a result of which, the brother of the defacto complainant succumbed to injuries. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners were detained under Act 14 and subsequently, the detention order was set aside by this Court in H.C.P.Nos.2416, 2442, 2408, 2414 of 2022 vide order dated 26.04.2023. He further submitted that investigation in this case has been completed and the



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case has also been taken up on the file of the learned Additional Sessions Judge, Chengalpattu in S.C.No.82 of 2023. He further submitted that the co-accused namely A5 to A7 have already been enlarged on bail by the learned Principal District and Sessions Judge, Chengalpattu in Crl.M.P.No.4531 of 2022 on 09.11.2022. He further submitted that the petitioners are in custody from 06.09.2022, hence, he prayed to grant bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that there was a wordy quarrel between the petitioners, other accused, the defacto complainant and the brother of the defacto complainant, during the quarrel, the petitioners along with other accused had committed murder of the victim by assaulting him with knife. He also submitted that the case has been taken up on the file of the learned Additional Sessions Judge, Chengalpattu in S.C.No.82 of 2023. However, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the co-accused in this case have already been enlarged on bail by the trial Court and also considering the period of incarceration undergone by 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate cum District Munsif, Pallavaram**, 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 report before the learned Additional Sessions Judge, Chengalpattu, on every Monday at 10.30 a.m., until further orders;

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

[d] the petitioners shall not tamper with



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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 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.

10.05.2023

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To

1. The Judicial Magistrate cum District Munsif,
Pallavaram.
2. The Inspector of Police,
Shankar Nagar Police Station,
Chennai – 75.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J

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