



Crl.O.P.No.12560 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

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

Crl.O.P.No.12560 of 2023

Thiyagu

... Petitioner

Vs.

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

(Crime No.59 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in P.R.C.No.14 of 2023 on the file of
the learned Judicial Magistrate No.2, Villupuram.

For Petitioner : Mr.K.Sudhakar

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 02.02.2023, for the offence punishable under Section 302 @ 364, 120B of IPC, further altered to Section 302, 201, 465, 482, 328 of IPC r/w 34 of IPC, in connection with Crime No.59 of 2023, registered on the file of the respondent, seeks bail.

2. Based on the complaint given by the Subramaniyan, Village Administrative Officer, V.Agaram village that on 01.02.2023, an unknown male aged about 35 years was found to be lying dead with cut injuries, a case in Crime No.59 of 2023 was registered for the offence under Section 302 IPC. During the course of investigation, the present petitioner had voluntarily surrendered before the learned Judicial Magistrate No.2, Villupuram on 02.02.2023 and based on his confession, the weapons used in the offence and the blood stained clothes were seized and A2 was also arrested and based on his confession, a two wheeler was recovered. Thereby, the case has been altered to the offence under Section 302, 201, 465, 482, 328 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 and he has been falsely implicated into this case. He further submitted that since the petitioner has some previous cases, the respondent Police had attempted to implicate the petitioner in this case, therefore, the petitioner had voluntarily surrendered before the learned Judicial Magistrate No.2, Villupuram on 02.02.2023. He also submitted that the investigation in this case has been completed and the case has also been committed to the Court of Sessions. He further submitted that the petitioner is languishing in judicial custody from 02.02.2023 and he 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. The respondent Police has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a history sheeted rowdy against whom 14 previous cases are pending. He further submitted that the petitioner along with another accused had committed murder of the victim/deceased. He also submitted that the investigation in this case has been



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completed and the case has also been committed to the Court of Sessions, which is taken up in S.C.No.100 of 2023 pending on the file of the Principal District and Sessions Court. He also submitted that the case now stands posted on 13.06.2023 for framing of charges. Hence, he vehemently opposed for grant of bail to the petitioner.

6. Learned counsel for the petitioner submitted that it is the case where the petitioner has been implicated only based on the suspicion. He also submitted that out of the 14 previous cases, majority of the cases are registered under 110 Cr.P.C and 8 of them were disposed and he has been acquitted in one case registered in Crime No.343 of 2011 for the offence under Section 302 of IPC. Hence, he prayed to grant bail to the petitioner.

7. 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.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking



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note of the fact that most of the previous cases registered against the petitioner are either disposed or ended in acquittal and in respect of this case, there is no eye witness to the occurrence and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

9. 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, Villupuram.**, 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 Principal District and Sessions Judge, 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,



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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.

12.06.2023

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Note : Issue copy of the order on 14.06.2023

To

1. The Judicial Magistrate No.II,
Villupuram.
2. The Principal District and Sessions Court,
Villupuram.
3. The Inspector of Police,
Valavanur Police Station,
Villupuram District.
4. The Central Prison,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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