



Crl.O.P.No.12492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

Crl.O.P.No.12492 of 2023

S.Noorudeen

... Petitioner

Vs.

State represented by
The Inspector of Police
Thoraipakkam Police Station
Chennai
(Crime No.106 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.106 of 2023 on the file
of the respondent police.

For Petitioner : Mr.V.T.Balaji

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on **29.03.2023** for the offence punishable under Section 302 IPC, in Crime No.106 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Murugeswari is that her husband Jeyaganesh was a Practising Advocate and he was also a member of the Executive Committee. On 25.03.2023, he had gone to play Cricket and at about 9.00 p.m., he returned to home and when was opening the gate, 3 persons who had come in 2 two wheelers, assaulted him indiscriminately with deadly weapons resulting him in sustaining injuries. Immediately, he was taken to hospital wherein, he succumbed to injuries. During the course of investigation, it came to light that there was previous enmity between the deceased Jayaganesh and A1 who is also a Practising Advocate and there was professional rivalry between them due to which, A1 had engaged A2 to A6 to commit the murder of the said Jayaganesh and subsequently, they committed the murder of the said Jayaganesh by attacking him indiscriminately with Aruval. Hence, the case.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been arrayed as A6 in this case and even as per the FIR, only 3 persons are alleged to have gone to the place of occurrence and committed the murder of the deceased and that the petitioner has been unnecessarily roped into this case since he happens to be the friend of A1. He further submitted that the petitioner is also a Practising Advocate and he has no previous case against him and that he has been suffering incarceration from 29.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that in this case the petitioner, A1 and the deceased are Practising Advocates and due to professional rivalry, A1 by engaging A2 to A6, committed the murder of the deceased by attacking him indiscriminately with Aruval. He further submitted that the investigation is pending.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.



6. It is seen that as per FIR, only 3 persons are stated to have attacked the deceased and the petitioner is arrayed as A6 in this case.

7. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

8. 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.1, Alandur, Chennai** 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 Krishnagiri and report before the Town Police Station everyday at 10.30 a.m. and 05.30 p.m. until further orders. The petitioner shall not enter into the jurisdictional limits of Chennai City until further orders.



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[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 appropriate action against the petitioner 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.

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To

1. The Judicial Magistrate No.1, Alandur, Chennai

2.The Inspector of Police
Thoraipakkam Police Station
Chennai

3. The Central Prison, Puzhal.

4. The Public Prosecutor,
High Court of Madras.

Copy to:

The Inspector of Police
Town Police Station, Krishnagiri



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A.D.JAGADISH CHANDIRA,J.,

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