



Crl.O.P.No.13212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

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

Crl.O.P.No.13212 of 2023

Subramaniyan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Peralam Police Station,
Tiruvarur District.

(Crime No.148 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.148 of 2023, 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)



ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 04.04.2023 for the offences punishable under Sections 448, 147, 148, 427, 294(b), 324, 307, 302, 342 and 34 of IPC, in Crime No.148 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the civil dispute with regard to laying of roof, the first accused along with other accused had unlawfully assembled, by trespassing into the house of the deceased/victim, had damaged his house properties, abused him with filthy language and further, assaulted the deceased/victim and also the de-facto complainant with knife and aruval, due to which, the deceased/victim died and the de-facto complainant had sustained grievous injuries. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner (A3) is an innocent person and he has been falsely implicated in this case, since, he happens to be the friend of A1. He further submitted that admittedly there was a quarrel, thereby, he gone to the place of occurrence and other than being present at the scene of occurrence, the petitioner has nothing to do with the alleged offence. He further submitted that similarly placed co-



accused has been granted bail by this Court in Crl.O.P.No.12500 of 2023 vide order dated 06.06.2023. He also submitted that the petitioner has been suffering incarceration from 04.04.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that due to the existing civil dispute between the deceased/victim and the first accused, who is the neighbour of the deceased, the petitioner along with A1 and other accused had committed murder of the deceased/victim by assaulting him with knife and aruval. He further submitted that the accused had also assaulted the de-facto complainant, due to which, he also sustained injuries. He also submitted that the specific overt-act attributed against the petitioner is that, he is alleged to have caught hold of the deceased/victim and facilitated the other accused to commit murder of the deceased/victim by stabbing him with knife. He further submitted that the investigation in this case is pending, hence he vehemently opposed for grant of bail to the petitioner.



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. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the period of incarceration undergone by the petitioner and also considering the overt-act attributed against the petitioner, this Court is inclined to grant of 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 District Munsif-cum-Judicial Magistrate, Nannilam** 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 Chennai and report before the Inspector of Police, Velacherry Police Station, everyday at 10.30 a.m. and 06.30 p.m.



WEB COPY



Crl.O.P.No.13212 of 2023

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 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.

14.06.2023

ham

To

1. The District Munsif-cum-Judicial Magistrate,
Nannilam.
2. The Inspector of Police,
Peralam Police Station,
Tiruvarur District.
3. The District Jail,
Nagapattinam
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police
Velacherry Police Station,
Chennai.



WEB COPY



Crl.O.P.No.13212 of 2023

A.D.JAGADISH CHANDIRA,J.,

ham

Crl.O.P.No.13212 of 2023

14.06.2023