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CrI.O.P.No.13369 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

CrI.O.P.No.13369 of 2023

Lokesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ennore Police Station,
Tiruvallur District.

(Crime No.275 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner, in Crime No.275 of 2023, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.S.N.Subramani

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2023, for the offence punishable under Sections 147, 148, 302 r/w 34 of IPC, in connection with Crime No.275 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that due to the previous enmity between two rival gangs, the accused have unlawfully assembled and assaulted the de-facto complainant's brother with knife, due to which, he sustained grievous injuries and died on the spot. Hence, the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 18 years, studying B.Com in Sri Thiagaraja College, Chennai and he has been falsely implicated in this case. He further submitted that the petitioner is in no way connected with the alleged offence, whereas, the respondent had arrested the petitioner, suspecting that the petitioner is the friend of the other accused in this case. He further submitted that the petitioner is in custody from 15.05.2023 and he



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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. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case of murder committed on account of the rivalry between the accused gang and the deceased/victim gang. He further submitted that the petitioner (A5) along with 10 other accused including a juvenile, had unlawfully assembled and committed murder of the de-facto complainant's brother by assaulting him with knife and later, escaped from the scene of occurrence. He further submitted that the specific overt act attributed as against this petitioner is that he kept watch on the movements of the deceased/victim and reported to the other accused. He also submitted that investigation in this case is still pending and one previous case registered under Section 323 IPC is pending against this petitioner. Hence, he 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 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 also considering the period of incarceration undergone by this petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

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 (out of which, one of the surety should be either father or mother of the petitioner)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thiruvottiur**, 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 Vaniyambadi and report before the Inspector of Police, Vaniyambadi Police Station, everyday at 10.30 a.m., 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;



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[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.

23.06.2023

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To

1. The Judicial Magistrate,
Thiruvottiyur.
2. The Inspector of Police,
Ennore Police Station,
Tiruvallur District.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Vaniyambadi Police Station,
Vaniyambadi.
5. The Public Prosecutor,
High Court of Madras.



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