



Crl.OP.No.14627 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14627 of 2023

Akash @ Akashkumar

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
Velankanni Police Station,
Nagapattinam.

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.288 of 2022
pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



Crl.OP.No.14627 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.08.2022 for the offences punishable under Sections 147, 148, 449, 307, 302 of IPC in Crime No.288 of 2022 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner was detained in connection with Spl.S.C.No.06 of 2023 on 29.08.2022, after he surrendered before the Court in connection with Crime No. 288 of 2022 registered for the offences under Sections 147, 148, 449, 307, 302 of IPC. Almost all the accused in this case had been enlarged on bail. He further submitted that, petitioner is in Judicial Custody for more than 300 days. Therefore, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl. Side) opposes the petition on the ground that, in a dispute in connection with participating in a tender by the deceased Manokar, A1 to A4 planned to commit the murder of the deceased Manokar. A4/ petitioner is the one, who arranged



CrI.OP.No.14627 of 2023

henchmen (A5 to A19) to commit the murder of the deceased Manokar.

He further submitted that, petitioner was detained under Goondas Act. It is the submission of the learned counsel for the petitioner that, petitioner was detained under Goondas Act and thereafter, this Court in H.C.P.No.113 of 20233, quashed the detention order dated 16.10.2022 as against the petitioner on 19.06.2023.

4. Considered the rival submissions and perused the records.

Investigation is almost over in this case. In view of the fact that the petitioner is in Judicial Custody for nearly 300 days and the detention order passed as against the petitioner is already set aside, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, No.I, Nagapattinam** and on further conditions that :-



CrI.OP.No.14627 of 2023

[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 report before the respondent police daily 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.

[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].



WEB COPY



CrI.OP.No.14627 of 2023

[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

03.07.2023

Sma

To

1. The Judicial Magistrate No.I,
Nagapattinam.
- 2.The Inspector of Police,
Velankanni Police Station,
Nagapattinam.
- 3.Central Prison,
Trichy.
- 4.The Public Prosecutor,
High Court of Madras



Crl.OP.No.14627 of 2023

G.CHANDRASEKHARAN. J.

Sma

Crl.O.P.No.14627 of 2023

03.07.2023