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CrI.OP.No.19925 of 2023

xIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.19925 of 2023

1.Purusothaman @ Settu

2.Prabhu

3.Selvaganapathy

4.Reegan

...Petitioners/Accused No.13,20,15&14

Vs.

The State Rep by
The Inspector of Police,
Nazarethpet, Police Station,
Tiruvallur.
(Crime No.77 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioners on bail in connection with the case in
Crime No.77 of 2023 pending investigation on the file of the respondent
Police.

For Petitioners : Mr.K.Rajasekar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.05.2023 for the offence punishable under Sections 147, 148, 341, 302 of IPC read with Sections 5 of Explosive Substance Act, 1908 altered into Sections 147, 148, 341, 302, 120(b) of IPC read with Section 4, 5 of Explosive Substance Act in Crime No.77 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of learned counsel for the petitioners that petitioners are falsely implicated as accused in Cr.No.77 of 2023 for the offences under Sections 147, 148, 341, 302 I.P.C r/w 5 of Explosive Substance Act, 1908, @ 147, 148, 341, 302, 120 (b) I.P.C. r/w 4, 5 of Explosive Substance Act, 1908. They are in judicial custody from 14.05.2023. Investigation in this case is completed and final report is filed and the case is pending in S.C.No.165 of 2023, on the file of learned Principal District and Sessions Judge, Thiruvallur. Thus, this petition is filed for seeking bail.



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3.In response, the learned Additional Public Prosecutor submitted that defacto-complainant's husband deceased Shankar is member of political party. He was engaged in scrap business. He has many enemies from political side and from his business side. He has also cases pending against him. On 27.04.2023, deceased had gone to his political party's office in his KIA car bearing No.TN 03 AB 1186. As directed by her husband, defacto-complainant and her relative Arunbabu were waiting for the arrival of deceased Shankar, near Nazarathpet Signal Bus stop. They saw deceased Shankar's car approaching. At that point of time, two cars, one in front and one behind the car of the deceased Shankar obstructed the movement of the deceased's car. Ten persons from the cars got down and threw country bombs. The deceased tried to run towards Varadharajapuram. Accused Shanthakumar and others chased the deceased and attacked him with knife and other deadly weapons indiscriminately. As a result, he suffered injuries and died.



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4. It is the further submission of the learned Additional Public Prosecutor that, petitioners are A13, A14, A15 and A20 in this case. A13 is the one who had thrown country bomb at the deceased and other petitioners had played main role in conspiracy for murdering the deceased and followed the car of the deceased at the time of the murder. He further submitted that, if the petitioners are released on bail, they will threaten the witnesses and tamper the evidences, which will obstruct the fair and free trial. Thus, he strongly opposed this petition.

5. In reply, learned counsel for the petitioner submitted that, co-accused namely A3, A5 and A6 in this case, who had participated in the assault of the deceased had been granted bail by the trial Court. He further submitted that, petitioners are ready to abide by any stringent conditions that may be imposed by this Court and they are also ready to stay at a different place. Thus, he seeks bail to the petitioner.



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6. This is the second bail petition filed by the petitioner. Earlier bail petition filed by the petitioner was dismissed by this Court on 10.08.2023 in Crl.O.P.No.17245 & 16936 of 2023 considering the nature of the murder and that if the petitioners are released on bail they would threaten the witnesses and obstruct the free and fair trial.

7.Considering the fact that petitioners are in Judicial Custody from 14.05.2023 and that the investigation in this case is completed and the case is pending in S.C.No.165 of 2023 and also having regard to the fact that similarly placed accused are granted bail, this Court is inclined to grant bail to the petitioners.

8. 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, Poonamallee**, and on further conditions that :-



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[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 Nagercoil and report before the Inspector of Police, Nagercoil Town Police Station 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].

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

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sma/apd



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To

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- 1.The Judicial Magistrate No.1,
Poonamallee.
- 2.The Inspector of Police,
Nazarethpet, Police Station,
Tiruvallur.
- 3.Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma/Apd

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