



WEB COPY



Crl.O.P.No. 21867 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 03.11.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN**

**Crl.O.P.No.21867 of 2023**

Sakthivel

... Petitioner

Vs.

The State rep by  
The Inspector of Police,  
Velankanni Police Station,  
Nagapattinam,  
Crime No.288 of 2022

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner / Accused on bail in Crime No.288 of 2022  
pending on the file of the respondent Police.

For Petitioner : Mr.T.Ananthasekar

For Respondent : Mr.R.Kishore Kumar  
Government Advocate (Crl.Side)

**ORDER**

The petitioner seeks bail in Crime No.288 of 2022 which was  
registered by the respondent Police for the offence under Sections 147, 148,  
449, 307 & 302 of IPC.

2.Though in the cause title, it is stated that the petitioner is an



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accused No.13 and in S.C.No.6 of 2023, the accused is arrayed as accused No.7. The case is now pending before the learned District and Sessions Judge, Nagapattinam and the case now stands posted for framing of charges.

3.The petitioner herein is not named in the first information report. It is the case of the prosecution that on the instigation of A1, who had engaged A2 and A3 and subsequently, had engaged the other accused, the offence of murder for gain and business enmity between two rival groups, there was also injury caused to one of the victims.

4.It had been stated that not only he had been preparation but also strong motive for the offence committed.

5.The learned counsel for the petitioner stated that the only overt act as against the petitioner herein is that he facilitated the other accused to escape from the scene of occurrence. It is also contended that some of the accused had been granted bail.

6.A1, A2, A6 and A7 are alone in judicial custody and the present petitioner is arrayed as A7.

7.Taking into consideration the period of incarceration and also of



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the fact that the other accused had been granted bail, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Kilvelur 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 report before the trial Court, 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.

[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



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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.

**03.11.2023**

vkr

To

1. The District Munsif cum Judicial Magistrate, Kilvelur.
2. The Inspector of Police,  
Velankanni Police Station,  
Nagapattinam,
3. The Central Prison, Tiruchirapalli.
4. The Public Prosecutor,  
High Court of Madras.



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**C.V.KARTHIKEYAN, J.**

vkr

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