



Crl.O.P.No.24838 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

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

Crl.O.P.No.24838 of 2023

Arulmanikandan S/o. Sundar Rajan

... Petitioner/Accused-17

Vs.

State by
The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.

(Crime No.441 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail concerned in Crime No.441 of 2023 on the file of the respondent police with terms and conditions.

For Petitioner : Mr.R.Sankarasubbu

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



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ORDER

The petitioner seeks bail in Crime No.441 of 2023, registered by the respondent police for the offences punishable under Sections 147, 148, 341, 427, 307 & 302 of IPC, with respect to an occurrence which took place on 05.09.2023. The petitioner was remanded to judicial custody only on 27.09.2023. He was not absconding but he had been issued with summons by the respondent and he had also appeared, answering the summons and then he had been taken into custody.

2.It is the case of the prosecution that the defacto complainant had lodged a complaint stating that he was an Advocate practicing in Kumbakonam and when he went to the Court along with his client, the case was passed over and at that time, when they had gone out, another car had come and six persons came out from that particular car armed with weapons and committed the offence of murder as against the client of the defacto complainant. From that particular vehicle blood stained knives were recovered and later on, during the course of investigation,



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the respondent came to know that the vehicle/car belonged to this particular accused, in which the other accused had travelled.

3.It is also stated that A3 is the driver of this accused. It is also stated that A3 was instrumental in planning the entire murder consequent to earlier murders of two separate individuals.

4.The learned counsel for the petitioner stated that the petitioner had never absconded from investigation and had appeared on receipt of notice on 27.09.2023 and had also participated during the course of enquiry. He claimed total ignorance about the purpose in which the car had been used.

5.He stated that the petitioner is an innocent of the actual offence and of the conspiracy to commit the offence.

6.On the side of the respondent, it is however stated that the vehicle had been provided by the petitioner herein and that particular



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vehicle was used by the accused to intercept the car in which the defacto complainant/Advocate and his client/deceased were travelling and thereafter, the offence of murder was committed. The defacto complainant however escaped from that place. One of the accused, had been granted bail in Crl.M.P.No.1741 of 2023 by an order dated 06.11.2023 by the learned Principal Sessions Judge, Thiruvarur. The learned counsel also placed his reliance on that particular order and stated that the same overt act is alleged as against that particular accused, who had been released on bail and this accused.

7.It is a fact that the car of this petitioner was used for by the assailants. It is a mute fact to determine whether the petitioner had knowledge or not. Even otherwise, it has to be presumed that he must have known about where the car was taken by his own driver. He cannot claim complete innocence about the entire incident. The only factor, which swings in favour of the petitioner is the grant of bail to the other accused and the fact that his role came to be known only during the course of investigation and the further fact that he had not absconded but



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appeared before the respondent when notice was issued. That is a crucial aspect, since if he was actually committed the offence he would have avoided appearing before the respondent police.

8.Taking that one fact into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

9.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 Judicial Magistrate, Thiruvarur, 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 Krishnagiri District and report before the Town Police Station, Krishnagiri, everyday Morning at 10.30 a.m., and Evening at 5.30 p.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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate, Thiruvarur.
2. The Central Prison, Trichy.
3. The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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