



Crl.O.P.Nos.3319 & 3320 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

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

**Crl.O.P.Nos.3319 & 3320 of 2024**

Janarthanan

...Petitioner in Crl.O.P.No.3319 of 2024

1.Praveen

2.Hari @ Harish

...Petitioners in Crl.O.P.No.3320 of 2024

Vs.

State represented by  
The Inspector of Police,  
Manimangalam Police Station,  
Tambaram District.  
(Crime No.406 of 2023)

...Respondent in both Crl.O.Ps

**COMMON PRAYER:** Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail concerned in Crime No.406 of 2023 on the file of the respondent police.

For petitioner  
in Crl.O.P.No.3319/2024 : Mr.R.Mukesh Kannah

For petitioner  
in Crl.O.P.No.3320/2024 : Mr.R.Parthiban

For Respondent : Mr.L.Baskaran  
in both Crl.O.Ps. Government Advocate (Crl. Side)



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**COMMON ORDER**

The accused 10 and 11 have filed Crl.O.P.No.3320 of 2024, the 9<sup>th</sup> accused has filed Crl.O.P.No.3319 of 2024, both in Crime No.406 of 2024, registered originally for the offences under Sections 294(b), 324, 307 and 363 of IPC against four persons and thereafter, on the basis of further enquiry and informations received, the offences were altered to Sections 147, 148, 294(b), 364, 302, 201, 120(b) of IPC on 13.11.2023. After further enquiry, on 23.11.2023, the FIR was further altered to Sections 147, 148, 294(b), 120(b), 302, 354, 201 of IPC.

2.This is the case where two persons had been murdered which would effectively mean that Section 302 IPC is on 2 counts. There are totally 16 accused. The Investigating Officer has taken into custody A1 to A13. However, A14, A15 and A16 are absconding. It is today informed that A14, had surrendered before the Magistrate Court, A15 is still absconding and A16 has filed anticipatory bail in Crl.O.P.No.1679 of 2024.

3.It is the case of the prosecution that on 13.11.2023, one K.Mari, father of one of the deceased, Gowtham had lodged a complaint before



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the respondent that at around 8.30 p.m., his son and his son's friend Santhosh were assaulted by four accused persons with knife and they had also kidnapped his son Gowtham in a Honda Amaze car bearing Regn.No.TN-19-AJ-5092. The said Santhosh, who is one of the deceased had suffered injuries and had gone over to the hospital and when he came out of the hospital, he was again assaulted causing death. Thereafter, the body of the son of the deceased was found at Othivakkam Lake and it was found with antemortem injuries all over the body and it was evident that he had been murdered and thrown into the Lake.

4.It is stated by the learned Government Advocate (Crl. Side) for the respondent that steps have been taken to detain A1, A2, A3 and A4 under Tamil Nadu Act 14 of 1982.

5.It is the contention of the learned counsels for the petitioners that the names of none of these petitioners namely A9, A10, A11 are found in the FIR. It is also stated that there are no previous cases as against these petitioners. It is further stated that there are no direct overt acts alleged as against the said three accused who seek bail and anticipatory bail. It is stated that at the most they had only assaulted the deceased with hands



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and therefore it is stated that taking that factor into consideration, and the period of incarceration which is more than 80 days, this Court should grant bail.

6.Counter affidavits have been separately filed in both two cases and the learned Government Advocate (Crl. Side) for the respondent vehemently opposed for grant of any relief either bail or anticipatory bail.

7.The earlier applications seeking bail filed by these petitioners have been dismissed by this Court on 06.02.2024.

8.The investigation has progressed to some extent but A15 is still absconding and A16 has also not been secured.

9.Taking all the factors into consideration and there is no previous case against these petitioners and the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

10. Accordingly, the petitioners are ordered to be released on bail on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the



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satisfaction of the Judicial Magistrate, Sriperumpudur 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

19.02.2024

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

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To

1. The Judicial Magistrate, Sirperumpudur.
2. The Central Prison, Puzhal II, Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Inspector of Police,  
Manimangalam Police Station,  
Tambaram District.
5. The Public Prosecutor,  
High Court of Madras.

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