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Crl.O.P.No.5526 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner / A16 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 307, 363 of IPC and subsequently altered to Sections 294(b), 324, 307, 364, 147, 148, 302, 201 of IPC in Crime No.406 of 2023, seeks anticipatory bail.

2.This is a 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 investigation Officer has taken into custody A1 to A13. However, A14 and A15 are absconding. It is today informed that A14 had surrendered before the Magistrate Court and A15 is still absconding.

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 the respondent that at around 8.30 p.m., his son and his son's



Crl.O.P.No.5526 of 2024

friend Santhosh were assaulted by four accused persons with knife and they had also kidnapped his son Gowtham in a Honda Amaze car bearing Registration 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 evidence that he had been murdered and thrown into the lake.

4.Earlier anticipatory bail was dismissed on 06.02.2024 in Crl.O.P.No.1679 of 2024.

5.It is stated that A1, A2, A3, A4 and A6 had been detained under the Tamil Nadu Act 14 of 1982.

6.In the counter affidavit the specific overtact as against this petitioner is that he was standing in that place. During the course of investigation, the respondent had examined 34 witnesses. There has been substantial progress in the investigation.



Crl.O.P.No.5526 of 2024

7.Taking all the factors into consideration and also that there has been substantial progress in the investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sriperumbudur, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 everyday at 10.00 a.m., and 05.00 p.m., until further orders.



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Crl.O.P.No.5526 of 2024

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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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.

18.04.2024

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Crl.O.P.No.5526 of 2024