



Crl.O.P.No.8116 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

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

Crl.O.P.No.8116 of 2024

Appanu @ Maheshwaran

...Petitioner/A1

Vs.

State represented by
The Inspector of Police,
Velankanni Police Station,
Nagapattinam.
(Crime No.288 of 2022)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in S.C.No.6 of 2023 on the file of
the District and Session Court, Nagapattinam..

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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ORDER

The petitioner / A1 seeks bail in S.C.No.6 of 2023 for the offence punishable under Sections 147, 148, 449, 307, 302, 149, 120(B), 109 and 201 IPC on the file of the District and Sessions Court, Nagapattinam.

2.Originally, the petitioner was arrested and remanded to judicial custody on 08.09.2022 for the offences punishable under Sections 147, 148, 449, 307 and 302 IPC in Crime No.288 of 2022 on the file of the respondent.

3.It is contended by the learned counsel for the petitioner that all the accused have been granted bail except for this petitioner and A2, A7.

4.However, it is the case of the prosecution that on the specific direction of this particular accused that the other accused had been engaged to commit the offence of murder and also caused grievous injuries to yet another injured person.

5.It is stated that there is a business rivalry and also political rivalry.



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6.Earlier petition seeking bail was dismissed on 03.11.2023 in Crl.O.P.No.24733 of 2023. It is seen that subsequently, PW-1 and PW-2 had been examined and cross-examined, they are the injured witnesses.

7.It is stated by the learned counsel for the petitioner that the entire case is a false case, but that is an issue which will have to be examined during the course of trial.

8.A status report has been filed on behalf of the respondent that the accused who had been granted bail had threatened the witnesses, but now the said witnesses had been examined during the course of trial.

9.Taking that factor into consideration and period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

10.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



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of the 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 appear before the District and Sessions Court, Nagapattinam, daily at 10.30 a.m., till completion of trial quite apart from Court hearing dates.

[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



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registered under Section 229A IPC.

08.04.2024

smv

To

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

C.V.KARTHIKEYAN. J.

smv



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