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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

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

Crl.O.P.Nos.10175 & 13783 of 2024

1.Aravinthar Rajasekaran ... Petitioner / A4 in Crl.O.P.No.10175 of 2024

2.Akash ... Petitioner / A9 in Crl.O.P.No.13783 of 2024

Vs.

State represented by
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore.
(Crime No.234 of 2023)

... Respondent / Complainant in both OPs

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in S.C.No.61 of 2024 on the file of
the III Additional District and Sessions Court, Virudhachalam connected to
the Crime No.234 of 2023 on the file of the respondent police.



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For Petitioners : Mr. M.Ashwin Kumar
(in CrI.O.P.No.10175 of 2024

: Mr. R.Saravanan
(in CrI.O.P.No.13783 of 2024

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (CrI. Side)
(in both OPs)

COMMON ORDER

The petitioner/A4 in CrI.O.P.No. 10175 of 2024 is an accused in crime No.234 of 2023 registered by the respondent police for the offences punishable under Sections 120(b), 147, 148, 294(b), 341, 392, 506(ii) and 302 of I.P.C and remanded to judicial custody on 31.10.2023, seeks bail.

2.The petitioner/A9 in CrI.O.P.No. 13783 of 2024 who was arrested on 28.10.2023 seeks bail in Crime No.234 of 2023 registered by the respondent police for the offences punishable under Sections 147,148, 341, 302, 294(b) and 506(2) of IPC and later, altered to Sections 120(b), 147, 148, 294(b), 341, 392, 506(ii) and 302 of I.P.C.



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3. It is the case of the prosecution that the father of the defacto complainant is running a biriyani shop called OK Biriyani Shop in Super Bazar, Neyveli. On 14.08.2023 A3 and A4 had demanded briyani without giving money and they threatened the deceased. He had then lodged a complaint against them. The next day all the accused persons came to the biriyani shop and assaulted the father of the defacto complainant. He again lodged a complaint. That complaint is still pending. Once again on 26.10.2023 the accused persons followed the deceased and murdered him. A4 is an accused in the earlier incident registered under Section 307 of I.P.C.

4. The learned counsel for A9 stated that the name of the petitioner does not find place in the First Information Report. It is stated that A9 had been implicated only on the basis of the confession of A4. It is contended by the learned counsel for the petitioner/A9 that the petitioner was not involved in the earlier offence under Section 307 IPC. Therefore, contended that a false case has been projected against him. It is also stated that there is no direct overt act as against the petitioner herein and that he is only an auto driver and pointed out that even according to the case of the prosecution, he was only sitting in the auto at the time of the incident.



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5. The learned counsel for A4 pointed out the period of incarceration suffered by the petitioner who had been remanded to judicial custody from 31.10.2023 and also stated that the investigation has been completed and final report had also been filed. It is further contended that the son of the defacto complainant is the witness and that therefore, there cannot be any attempt to influence the said witness. It is also stated that the petitioner is prepared to stay at any place in the State and that he would not interfere with the investigation. It is also stated that subsequently, the matter has been committed to the Court of Sessions and charges will be framed.

6. The earlier petitions seeking bail were dismissed on 25.03.2024 in Crl.O.P.Nos.6775 and 6777 of 2024. Now, it is seen from the records that investigation has been completed and final report has also been filed and the same has been taken cognizance and also committed to the Court of Sessions and is now pending before the III Additional District and Sessions Court at Virudhachalam in S.C.No.61 of 2024. It is also seen that bail had also been granted for A2, A3, A6, A7, A8, A10 and A11.



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7. Taking into consideration that particular fact and also the fact that the matter is now posted for framing of charges before the Sessions Court and considering the period of incarceration suffered by the petitioners, I am inclined to grant bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, Virudhachalam 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 everyday at 10.30 a.m., until further orders, except on Court hearing dates.

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



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[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.

20.06.2024

smv

To

- 1.The III Additional District and Sessions Judge, Virudhachalam.
- 2.The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore.
- 3.The Central Prison, Cuddalore
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

smv

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