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Crl.O.P.No.21199 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.21199 of 2024

Kandipanraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P4-Basin Bridge Police Station,
Pulianthope, Chennai – 600 012.
(Crime No. 441 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail, pending investigation in Crime
No.441 of 2024, on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 09.07.2024, for the alleged offence punishable under Sections 191(2),



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191(3), 329(4), 296(b), 103(1), 351(3) of BNS, altered to Section 191(2), 191(3), 329(4), 296(b), 103(1), 351(3) and 61(2) of BNS, in Crime No.441 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.07.2024, at about 2.30 p.m, due to previous enmity, the petitioner along with other accused attacked the deceased brutally with a knife and murdered him. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the petitioner's name is not found in the FIR and he was also not present at the scene of occurrence. He further submit that based on the confession of the arrested accused, this petitioner was arrayed as an accused. He further submit that the petitioner was arrested and is in judicial custody for more than 50 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally 10 accused in this case and the petitioner herein is arrayed as A10. He further submit that due to previous enmity with regard to business motive, the petitioner along with other accused attacked the deceased with a knife and murdered him. He further submit that all the accused are arrested are in judicial custody. He further submit that this petitioner voluntarily surrendered before the respondent police. He further submits that the petitioner has no previous cases pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, and considering the period of incarceration undergone by the petitioner, and considering that the petitioner has voluntarily surrendered before the respondent police, and considering that the petitioner was arrayed as accused based on the confession of co-accused, and the petitioner is not the



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named accused in the FIR, and also considering that the petitioner has no previous cases, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 XIV Metropolitan Magistrate, George Town, Chennai and on further conditions that:-

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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 Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed



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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 269 BNS.

03.09.2024

drl

To

- 1.The Metropolitan Magistrate No.XIV,
George Town, Chennai – 600 001.
- 2.The Inspector of Police,
P4-Basin Bridge Police Station,
Pulianthope, Chennai – 600 012.
- 3.The Superintendent,
Central Prison II, Puzhal, Chennai – 600 066.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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