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Crl.O.P.No.22291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

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

Crl.O.P.No.22291 of 2024

Muruganantham

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
(Crime No. 40 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 40 of 2024 on the file
of the respondent Police.

For Petitioner : M/s.V.Mythili

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 07.03.2024, for the alleged offence punishable under Sections 147, 148,
341, 120(b), and 302 of IPC, in Crime No.40 of 2024, on the file of the



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respondent police, seeks bail.

2. The case of the prosecution is that on 07.03.2024 at about 7.15 a.m., due to previous enmity on account of a civil dispute, the petitioner along with other accused waylaid the deceased's motor cycle, attacked with a knife and bill hook, and killed the deceased. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition. He further submit 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 co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody from 07.03.2024, and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally 9 accused in this case and the petitioner herein is ranked as A1. He further submit that on the date of



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alleged occurrence, due to civil dispute, there was a previous enmity, between the petitioner and the deceased, for which, the petitioner along with other accused waylaid the deceased motor cycle and attacked him with a knife and bill hook, as a result, the deceased died on the spot. He further submit that the investigation was completed and the charge sheet has also been filed in SC.No.109 of 2024. Hence, 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 submission made by the learned counsel on either side, nature of offence, and investigation was completed and after filing of the charge sheet, the case has been committed to Sessions Court, and considering the fact that the co-accused was also released on bail, and also considering the period of incarceration undergone by the petitioner, 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)



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with two sureties, each for a like sum to the satisfaction of the Principal District Judge, Nagapattinam, and on further conditions that:-

[a] the petitioner shall report before the Trial Court, on all working days at 10.30 a.m., until further orders, without fail.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond 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 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered



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under Section 269 B.N.S.

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drl

To

- 1.The Principal District Judge,
Nagapattinam.
- 2.The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
- 3.The Superintendent,
District Prison, Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



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