



WEB COPY



Crl.O.P.No.23155 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

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

Crl.O.P.No.23155 of 2024

M.Rakesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J4, Kotturpuram Police Station,
Chennai – 600 085.
(Crime No. 91 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.91 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.B.Suresh Singh

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

ORDER

The petitioner/A5, who was arrested and remanded to judicial
custody on 26.06.2024, for the alleged offence punishable under Sections
147, 148, 341, 302, 120(B) read with 49 of IPC, in Crime No.91 of 2024, on



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the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, is that while he was working as a cleaning supervisor, on 25.06.2024 at about 8.30 a.m, he found a dead body in the Adyar river. Initially the case was registered in Crime No.91 of 2024 under Section 174(1) of Cr.P.C. During investigation, it came to know that, due to previous enmity, the petitioner along with other accused brutally murdered the victim and threw the dead body into the Adyar river. Therefore, the case has been altered to the offence punishable under Sections 147, 148, 341, 302, 120(B) r/w 149 of IPC.

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 submits that based on the confession of the arrested accused, this petitioner was arrayed as an accused. He further submits that the co-accused was released on bail. He would further submit that the petitioner was arrested and is in judicial custody for more than 90 days and is ready to abide by any



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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 7 accused in this case and the petitioner herein is arrayed as A5. He further submits that the deceased and the petitioners are friends. Due to previous enmity, on the date of the alleged occurrence, the petitioner, along with other accused persons, brutally murdered the deceased and threw the dead body into the Adyar river. On seeing this, the cleaning supervisor, Chennai Corporation, lodged a complaint, based on which, FIR was registered. He further submits that the investigation was completed and there are no previous cases 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, nature of offence, considering the period of incarceration



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undergone by the petitioner, investigation was also completed, and considering that the petitioner was arrayed as accused based on the confession of co-accused, and co-accused was also released on bail, and the petitioner has no previous cases pending against him, 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 IX Metropolitan Magistrate Court, Saidapet, Chennai, and on further conditions that:-

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

[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



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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 under Section 269 B.N.S.

20.09.2024

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P.DHANABAL, J.

drl

To

- 1.The IX Metropolitan Magistrate Court,
Saidapet, Chennai.
- 2.The Inspector of Police,
J4, Kotturpuram Police Station,
Chennai – 600 085.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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