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CrI.O.P.No.23820 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

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

CrI.O.P.No.23820 of 2024

Anbarasan @ Anbu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-16, Nazarathpet Police Station,
Chennai – 600 123.
(Crime No. 111 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.111 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.R.Vinothkumar

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

ORDER

The petitioner/A6, who was arrested and remanded to judicial
custody on 08.03.2024, for the alleged offence punishable under Sections
147, 148, 364, 302, 120B, 341 r/w 149 of IPC, in Crime No.111 of 2024, on



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the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.03.2024 at about 3.30 p.m., due to previous enmity, the petitioner along with other accused kidnapped the defacto complainant's brother and brutally 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 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 from 08.03.2024 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 six accused in this case and the petitioner herein is arrayed as A6. He further submit that on the date of



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the alleged occurrence, due to previous enmity, the petitioner along with other accused person kidnapped the defacto complainant's brother and brutally murdered him. He further submits that the investigation was completed and the charge sheet was also filed in SC.No.165 of 2024. 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 on both sides, nature of offence, and considering that the petitioner was arrayed as accused based on the confession of co-accused, and co-accused was released on bail, investigation was completed and charge sheet was also filed and now the case is committed to Sessions Court and 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 I Additional District and Sessions Judge, Thiruvallur and on further conditions that:-

[a] the petitioner shall report before the trial Court 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 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



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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.

26.09.2024

drl

To

- 1.The I Additional District and Sessions Judge,
Thiruvallur.
- 2.The Inspector of Police,
T-16, Nazarathpet Police Station,
Chennai – 600 123.
- 3.The Superintendent,
Central Prison, Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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