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Crl.O.P.No.25279 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

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

Crl.O.P.No.25279 of 2024

Chitiravel

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
(Crime No. 321 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.321 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.S.Bharanidharan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 30.06.2024, for the alleged offence punishable under Section 302 IPC @



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120(b), 341, 302 and 109 of IPC, in Crime No.321 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, regarding political motive between the deceased and the accused persons, on 29.06.2024 at about 10.30 p.m., the defacto complainant received a call from their relative that her husband was injured. Subsequently, the defacto complainant went near Mariamman Temple near surasamhara street, where she found that her husband was murdered. 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 petitioner was arrested and is in judicial custody from 30.06.2024 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. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner is arrayed as A5 in this case. He further submits that due to previous enmity regarding political motives between the deceased and the accused persons, on the date of the alleged occurrence, this petitioner arranged for hooligans to commit the brutal murder of the deceased through them. He further submits that the petitioner has six previous cases, pending against him. He further submits that the investigation was completed and charge sheet was also filed. 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 nature of offence charged against the petitioner, considering the period of incarceration undergone by the petitioner, and though the petitioner has six previous cases, in all the cases, he has been released on bail, investigation was completed and the charge sheet was also filed and now the case is posted for committal, and also considering all



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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 Judicial Magistrate No.II, Cuddalore, and on further conditions that:-

[a] the petitioner shall stay at Panruti and report before the Judicial Magistrate No.II, Panruti, daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[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;



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[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.

15.10.2024

drl

To

- 1.The Judicial Magistrate No.II,
Cuddalore.
- 2.The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
- 3.The Superintendent,
Sub Jail, Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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