



Crl.O.P.No.28500 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28500 of 2024

Karthick @ Local

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E3 Minjur Police Station,
Thiruvallur District.
(Crime No.369 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail, in Crime No.369 of 2024, on the file of the respondent Police and S.C.No.395 of 2024 on the file of the Additional District and Sessions Court IV, Ponneri.

For Petitioner : Mr.K.Gangadaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A5, who was arrested and remanded to judicial custody on 24.06.2024, seeking



Crl.O.P.No.28500 of 2024

bail in Crime No.369 of 2024 registered for the offence under Sections 147, 148, 120(b), 341, 302 r/w 149 IPC.

2. The case of the prosecution as per the de facto complainant is that the victim/deceased and the first accused in this case were inmates in the prison and after coming out of the prison, the first accused had developed illicit intimacy with the wife of the victim and on coming to know about the same, the victim/deceased had warned the first accused. Thereby, the first accused, enraged over the warning of the victim/deceased, had conspired with the other accused and under the guise of inviting the victim for consuming liquor, had murdered him. Hence the case.

3. Learned Counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happened to be the friend of the main accused. He further submitted that other than consumption of liquor with the deceased and other accused, the petitioner had nothing to do with the alleged offence. He also submitted that investigation in this case has been completed and the case has also been taken up for trial in S.C.No.395 of 2024 on the file of the IV



Crl.O.P.No.28500 of 2024

Additional District and Sessions Court, Ponneri. He further submitted that the similarly placed co-accused/A3 has already been granted bail by this Court and the petitioner, who is in custody from 24.06.2024, is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the first accused had developed illicit intimacy with the wife of the victim/deceased and when the deceased had warned him, he along with other accused had committed murder of the victim by assaulting him with knife. He also submitted that the case has been committed to the Court of Sessions in S.C.No.395 of 2024 pending trial on the file of the IV Additional District and Sessions Court, Ponneri. He further submitted that the petitioner/A5 herein had assisted the other accused and against him, two previous cases are pending.

5. Heard the learned Counsel appearing for the petitioner, the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.



Crl.O.P.No.28500 of 2024

WEB COPY

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and taking note of the fact that the case has been committed to the Court of Sessions and also considering that the similarly placed co-accused has been enlarged on bail, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees fifteen thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Ponneri**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the learned IV Additional District and Sessions Court, Ponneri, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence



Crl.O.P.No.28500 of 2024

or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

14.11.2024

ham

To

1. The IV Additional District and Sessions Court, Ponneri.
2. The Judicial Magistrate No.II, Ponneri.
3. The Inspector of Police,
E3 Minjur Police Station,
Thiruvallur District
4. The Superintendent,
Central Prison
Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28500 of 2024

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.28500 of 2024

14.11.2024