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Crl.O.P.No.29308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

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

Crl.O.P.No.29308 of 2024

Vishnu

... 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, pleaded to enlarge the petitioner on bail, in P.R.C.No.21 of 2024 on the file of the learned Judicial Magistrate No.II, Ponneri in Crime No.369 of 2024, on the file of the respondent Police.

For Petitioner : Mr.V.Parthiban

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

ORDER

This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 26.06.2024, seeking bail in Crime No.369 of 2024 registered for the offence under Sections 147, 148 & 302 IPC.



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2. The case of the prosecution as per the de facto complainant is that the victim/deceased and the first accused/petitioner herein 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 other accused and in 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. He further submitted that the incident had happened only due to the sudden provocation and other than that the petitioner has no intention to murder the victim. He also submitted that the co-accused/A3 & A5 have already been granted bail by this Court in Crl.O.P.Nos.27770 & 28500 of 2024 vide orders dated 06.11.2024 and 14.11.2024 respectively and the investigation in this case has also been completed, however, the petitioner is in custody from 26.06.2024. Hence, he prayed for grant of bail to the



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petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner/A1 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 and there are 23 witnesses and the case now stands posted for questioning on 12.12.2024. He further submitted that 24 previous cases are pending against the petitioner.

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.



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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 the period of incarceration undergone by the petitioner, 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 appear before the learned IV Additional District and Sessions Judge, Ponneri, on all working days at 10.30 a.m., until further orders and he shall also report before the respondent Police on every Saturday at 6.30 p.m., until further orders;

[c] the petitioner shall not abscond during trial;



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[d] the petitioner shall not tamper with evidence 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

22.11.2024

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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.



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A.D.JAGADISH CHANDIRA., J.

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