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Crl.O.P.No.29451 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

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

Crl.O.P.No.29451 of 2024

Sadhu

... Petitioner

Vs.

State represented by,
The Inspector of Police,
E-3, Minjur Police Station,
Avadi City, Chennai.
(Crime No. 369 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.369 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.V.Parthiban

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 24.06.2024, for the alleged offences punishable under Sections 147, 148,



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302 of IPC, in Crime No.369 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the deceased and A1 in this case were inmates in the prison. After coming out of the prison, A1 developed illegal intimacy with the wife of the deceased and on coming to know about the same, the deceased had warned the first accused. Thereby the first accused, enraged over the warning of the deceased, had conspired with the other accused and in the guise of inviting the deceased for consuming liquor, had murdered him. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner, who is arrayed as A4 in this case, 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 had no intention to murder the deceased. He further submitted that the detention order was revoked by this Court. He further submitted that the co-accused were also released on bail by this Court. He further submitted that the petitioner was arrested and is in judicial custody from 24.06.2024



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and is ready to abide by any conditions that may be imposed by this Court.

Hence, he prayed bail for the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent submitted that there are 5 accused in this case and the petitioner herein is arrayed as A3. He further submitted that the petitioner/A1 had developed illicit intimacy with the wife of the deceased and when the deceased had warned him, he along with other accused had committed murder of the deceased by assaulting him with knife. He further submitted that based on the investigation it was revealed that this petitioner caught hold of the deceased to prevent movement, while the other accused attacked the deceased with a weapon all over the body, causing death. He further submitted that the petitioner has four previous cases pending against him, and that investigation was completed and the case has been committed to the Court of Sessions in S.C.No.395 of 2024 pending on the file of the IV Additional District and Sessions Court, Ponneri. Hence, he opposed to grant bail to the petitioner.



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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, investigation was completed and the case was taken on file as Session Case in S.C.No.395 of 2024 pending on the file of IV Additional District and Sessions Court, Ponneri, the detention order passed against this petitioner was set aside by this Court, co-accused was also released on bail, though the petitioner has four previous cases, and all are not similar kind of offence, in all the cases, he has been released on bail, considering the period of incarceration undergone by the petitioner from 24.06.2024 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 learned Judicial Magistrate No.II, Ponneri and on further conditions that:-



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[a] the petitioner shall report before the trial court on all working days 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 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.

27.11.2024

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P.DHANABAL, J.

drl

To

- 1.The Judicial Magistrate No.II,
Ponneri.
- 2.The Inspector of Police,
E-3, Minjur Police Station,
Avadi City, Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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