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Crl.O.P.No.28858 of 2023 and 495 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.28858 of 2023
and
Crl.O.P.No.495 of 2024

1. Rajkumar
2. Prasanth

...Petitioners in Crl.O.P.No.28858 of 2023

Raghuman

....Petitioner in Crl.O.P.No.495 of 2024

Vs.

The State Represented by,
The Inspector of Police,
T-16, Nazarethpet Police Station,
Tiruvallur.
Crime No.77 of 2023
Crl.O.Ps.

...Respondents in both

COMMON PRAYER: Criminal Original Petitions are filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.77 of 2023 on the file of the respondent police.

For Petitioner in
Crl.O.P.No.28858 of 2023 : Mr. D.Rajasekar

For Petitioner in



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Crl.O.P.No.495 of 2024 : Mr.P.Prince Premkumar

For Respondent
in both Crl.O.Ps : Mr.V.Meganathan
Government Advocate (Crl. Side)

ORDER

These petitions are filed to enlarge the petitioners on bail pending investigation in Crime No.77 of 2023 on the file of the respondent police.

2. The learned counsel for the petitioner submitted that, this is the second bail petitions filed by the petitioners. Petitioners are falsely implicated as an accused in Crime No.77 of 2023 for the offences under Sections 147, 148, 341, 302 of IPC read with Section 5 of Explosive Substance Act, 1908 @ 147, 148, 341, 302, 120(b) of IPC read with Section 4, 5 of Explosive Substance Act, 1908. There are in judicial custody from 14.05.2023. Investigation in this case is completed and final report is filed and the case is pending in S.C.No.165 of 2023 on the file of the learned Principal District and Sessions Judge, Tiruvallur. Thus, this petition is filed.

3. In response, the learned Government Advocate (Crl. Side)



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submitted that, defacto complainant's husband deceased Shankar is member of political party. He was engaged in scrap business. He has many enemies from political side and from his business side. He has also cases pending against him. On 27.04.2023, deceased had gone to his political party's office in his KIA car bearing Reg.No.TN 03 AB 1186. As directed by her husband, defacto complainant and her relative Arunbabu were waiting for the arrival of deceased Shankar, near Nazarethpet Signal Bust stop. They saw deceased Shankar's car approaching. At that point of time, two cars, one in front and one behind the car of the deceased Shankar obstructed the movement of the deceased's car. Then persons from the cars got down and threw country bombs. The deceased tried to turn towards Varadharajapuram Accused Shanthakumar and others chased the deceased and attacked him with knife and other deadly weapons indiscriminately. As a result, he suffered injuries and died.

4. It is further submitted by the learned Government Advocate (Crl. Side) that, seventh accused is the one who hit the deceased by his car and he was harbouring all the other accused. Tenth accused is the one



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who helped in manufacturing the country bomb and he was following the route taken by the deceased. Sixteenth accused participated in the criminal conspiracy to kill the deceased.

5. Considered the rival submissions and perused the records. So far, A3, A5, A16, A13, A20 & A21 had been released on bail and all these petitioners were arrested and remanded to Judicial Custody on 14.04.2023. The detention order passed against these petitioners under Act 14, 1982 had been revoked and final report in this case has been taken on file in S.C.No.165 of 2023. In the said circumstances, this Court is inclined to grant bail to the petitioners with conditions.

5. Accordingly, petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Poonamalle** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police on every Monday and Thursday at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

12.01.2024

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To

1. Judicial Magistrate No.I,
Poonamalle.
2. Central Prison,
Puzhal II, Chennai.
3. The Inspector of Police,
T-16, Nazarethpet Police Station,
Tiruvallur.
4. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.

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