



Crl.O.P.Nos.485 & 577 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.Nos.485 & 577 of 2024

Arulesh S/o. Sankar

...Petitioner/Accused-2
in Crl.O.P.No.485 of 2024

1.Bala @ Balaji @ Bendu Balaji
2.Sathish Kumar @ Trip Sathish

...Petitioners/Accused-1 & 4
in Crl.O.P.No.577 of 2024

Vs.

State represented by
The Inspector of Police,
E-1, Mamallapuram Police Station,
Chengalpattu District.

(Crime No.642 of 2023)

...Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.642 of 2023 on the file of the respondent on such terms and conditions.

(In Crl.O.P.No.485 of 2024)

For Petitioner : Mr.C.Raghavan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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(In Crl.O.P.No.577 of 2024)

For Petitioners : Mr.M.Rajavelu

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

COMMON ORDER

Memos have been filed by both the learned counsel for the petitioners in both the petitions to include the offences from 302 IPC to Sections 147, 148, 294(b), 302 IPC r/w Section 149 of IPC. Memos are recorded and the Registry, before issuing order copy, may incorporate the above mentioned provisions.

2.The 1st and 4th accused have filed Crl.O.P.No.577 of 2024 and the 2nd accused has filed Crl.O.P.No.485 of 2024, both in Crime No.642 of 2023, registered by the respondent originally for the offence under Section 302 IPC and subsequently, it is informed by the learned Government Advocate (Crl. Side) for the respondent that alteration report has been filed altering the offence under Sections 147, 148,



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294(b), 302 IPC r/w 149 of IPC and a copy of the alteration report had also been forwarded to this Court.

3.It is the case of the prosecution that the petitioner and the other accused were looking for horse ride at Mamallapuram Beach and giving them out for pleasure ride to the tourists, there was a dispute in respect of this particular incident and leading to quarrel which ultimately entered in the murder of the deceased.

4.It is stated that one of the accused namely A3 had been granted bail on 09.01.2024 by the Additional Sessions Court, Chengalpattu, holding full additional charge of Principal Sessions Judge, Chengalpattu in CrI.M.P.No.6752 of 2023.

5.The learned Principal Sessions Judge, Chengalpattu, in that particular order it had been observed that material part of investigation had been completed.



6.Taking into consideration the fact that the petitioners had been in custody for nearly about 90 days and the fact that investigation has been completed, I am inclined to grant bail to the petitioners in both the criminal original petitions with certain conditions:

7.Accordingly, the petitioners in both the criminal original petitions are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Tirukazhukundram, 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

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



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[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 229A IPC.

18.01.2024

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C.V.KARTHIKEYAN. J.

ata

To

1. The District Munsif cum Judicial Magistrate, Tirukazhukundram.
2. Chengalpattu Prison, Changalpattu,
3. The Central Prison, Puzhal, Chennai.
4. The Inspector of Police,
E-1, Mamallapuram Police Station,
Chengalpattu District.
5. The Public Prosecutor,
High Court of Madras.

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