

In the Court of the Principal District and Sessions Judge, Nagapattinam.
Present: Thiru. D. Kingsly Christopher, M.A., M.L.,
Principal District and Sessions Judge, Nagapattinam
Wednesday, the 26th day of October 2022
Cr.M.P.No.3278/2022

Gunasekaran, aged 22/2022, S/o Mohan

.... Petitioner/A16

/Vs/

The Inspector of Police, Mayiladuthurai P.S.
Cr.No.636/2022

.... Respondent

This petition came up today (26.10.2022) before me in the presence of Tmt. S. Muthachi, Advocate for the petitioner and Public Prosecutor for Respondent and upon hearing the arguments of both sides and on perusal of available records this court passed the following:

ORDER

The petition is filed by the petitioner/accused u/s.439 of Cr.P.C. praying to release the petitioner on bail against whom a case has been registered U/s.147, 148, 341, 294(b), 342, 324, 307, 302, 506(ii) & 120(B) of IPC r/w Sec.25(1)(b) Indian Arms Act by the respondent / Police.

Heard both sides. Perused the records. It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence as alleged and a false case has been registered against him due to previous enmity. The petitioner was arrested and remanded on 18.08.2022 and he is in judicial custody for the past 70 days. This is the second application. The petitioner is ready to abide by any condition imposed by this court and hence requests to release the petitioner on bail.

The learned Public Prosecutor contended that a case has been registered against the petitioner with others in Cr.No.636/2022 u/s.147, 148, 341, 294(b), 342, 324, 307, 302, 506(ii) & 120(B) of IPC r/w Sec.25(1)(b) Indian Arms Act. The date of occurrence is 16.08.2022 at about 23.30 hours. In this case final report was filed and the same was taken on file in P.R.C.No.36/2022 by the Judicial Magistrate No.I, Mayiladuthurai. If the petitioner is released on bail, he may tamper the prosecution witnesses and hamper the investigation and cause law and order problems and thereby and thereby objected to release the petitioner on bail.

Rival contentions are taken into consideration. The case is registered against the petitioner with others for the alleged offences U/s.147, 148, 341, 294(b), 342, 324, 307, 302, 506(ii) & 120(B) of IPC r/w Sec.25(1)(b) Indian Arms Act. The alleged occurrence took place on 16.08.2022 and the FIR was registered on 17.08.2022. There are totally 22 accused arrayed in this case. It is a case of murder. The deceased Kannan who is a brother of the

defacto-complainant. In this case final report was filed and the same was taken on file in P.R.C.No.36/2022 by the Judicial Magistrate No.I, Mayiladuthurai. The petitioner is in judicial custody for the past 70 days. Considering the long period of incarceration of the petitioner and the facts and circumstances of the case, this court is inclined to release the petitioner on bail.

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 for a like sum to the satisfaction of the Judicial Magistrate No.I, Mayiladuthurai and on further condition that,

(a) the petitioner and the sureties shall affix their photograph 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 and sign before the respondent police station daily at 10.30 a.m. without fail until further order.

(c) the petitioner shall not commit similar offences again.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioner shall not abscond either during investigation or trial.

(f) 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].

(g) if the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open court, this the 26th day of October 2022.

Sd/- D. Kingsly Christopher
PRINCIPAL DISTRICT AND SESSIONS JUDGE,
NAGAPATTINAM.

To

1. The Judicial Magistrate No.I, Mayiladuthurai.
2. The Inspector of Police, Mayiladuthurai P.S.
3. Tmt. S. Muthachi, Advocate, Nagapattinam.

(On payment of costs)