

IN THE COURT OF SESSIONS AT CHENNAI

Present: Tmt. S. Alli, M.L.,

Principal Sessions Judge

Thursday, the 22nd day of December, 2022

Crl.M.P.No.25582/2022

in

S.C.No.406/2022

(on the file of learned XV Additional Judge, City Civil Court, Chennai)

in

D.1, Triplicane P.S. Cr.No.155/20222

1. Ganapathy

2. Manikandan

.. Petitioners/Accused

Vs.

State Rep. by

The Inspector of Police,

D.1, Triplicane Police Station,

Chennai.

..Respondent/Complainant.

The above petition is coming on this day before me for hearing in the presence of M/s. G. Mohanakrishnan, B. Thiyagarajan, R. Dilipkumar, S. Priyadarshini, Counsel for the petitioner and of CPP for respondent and upon hearing them, this Court delivered the following :

ORDER

1. The 1st petitioner, who was arrested on 20.2.2022 and the 2nd petitioner, who was arrested on 7.4.2022 on execution of NBW for the offence punishable under Section 147, 148, 341, 294(b), 302, 506(ii) r/w. 120(b), 149 IPC in S.C.No.406/2022 on the file of XV Additional City Civil Court, Chennai, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the petitioners are innocent. They have not committed the offence as alleged by the prosecution. They have been falsely implicated in this case. The petitioners 1 and 2 have been arrested on 20.2.2022 and on 7.4.2022, respectively. Thereafter, they have been detained under Act 14 of 1982 vide detention orders dated 23.4.2022. Now, the detention orders were set aside by the Hon'ble High Court in HCP.No.999 and 991 of 2022 dated 19.12.2022. Now the case is pending in

S.C.No.406/2022 on the file of XV Additional Sessions Court, Chennai. The 1st petitioner is in custody for more than 10 months and the 2nd petitioner is in custody for more than 8 months and prays for granting bail.

4. On the other hand, learned CPP submits that it is a brutal murder. Due to previous enmity, these petitioners along with other accused murdered the deceased. The case has been committed to Court of Sessions and now S.C.No.406/2022 is pending on the file of XV Additional Court, Chennai and the case is posted to 2.1.2023 for appearance. The 1st petitioner is having 3 previous cases and the 2nd petitioner has no previous case. He also submits that the detention order against the petitioners have been set aside by the Hon'ble High Court, Madras.

5. The petitioners 1 and 2 are in custody from 20.2.2022 and 7.4.2022. The detention orders against the petitioners have been set aside by the Hon'ble High Court, Madras. The case has been committed to Court of Sessions and is pending on the file of XV Additional Court, Chennai S.C.No.406/2022. Considering the duration of custody and the stage of the case, this court is inclined to grant bail to the petitioners subject to condition.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a likesum to the satisfaction of the learned XV Additional Judge, Chennai and on further condition that

(a) the sureties shall affix their photographs and Left Thumb impression in the surety bond and the learned Additional Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(b) the petitioners shall appear before the said court daily at 10.30 a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness during trial.

(d) the petitioners shall not abscond during trial.

(e) On breach of any of the aforesaid conditions, the 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today in the open Court.

Principal Sessions Judge

Copy to :

1. The learned XV Additional Judge, Chennai.
2. The Superintendent, Central Prison, Puzhal.

nmk

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