

CrI.O.P.No.10885 of 2016

B.GOKULDAS, J.

The petitioner was arrested and remanded to judicial custody on 10.11.2015 for the alleged offences punishable under sections 341, 294(b), 302, 506(ii) of IPC, in Crime No. 2819 of 2016 on the file of the respondent police and hence, seeks bail.

2. The learned counsel appearing for the petitioner submitted that totally there are three accused and this Petitioner has been arrayed as A-2 and the accused Nos. 1 and 2 have been detained under Goondas Act and the same was set aside by this Hon'ble Court . It is further submitted that the petitioner has been in judicial custody for more than 7 months and the third accused has already been released on bail and there is no specific overt act against the petitioner.

3. The learned Government Advocate (Criminal side) appearing for the respondent would submit that Watchman is the deceased and the petitioner attacked the deceased with iron rod and hollow brick on the head, It is further submitted that the charge sheet has been filed, which was taken

on file in P.R.C.No. 13 of 2015.

4. Taking into consideration the change of circumstances and the period of custody and the charge sheet has been filed, this Court is of the view that this is a fit case to grant bail to the petitioner. Accordingly, he is ordered to be released on bail, subject to the following stringent conditions:

(i) the petitioner shall execute 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 Court, Tambaram.

(ii) the petitioner shall report before the trial Court, daily at 10.00 a.m., until further orders.

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

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

(v) 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]**.

26.05.2016

vsg/mps

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