

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice K. KALYANASUNDARAM

CRIMINAL ORIGINAL PETITION No.1968 of 2019

JAGAFAR SADHIK

[PETITIONER / ACCUSED]

Vs

THE ASSISTANT COMMISSIONER OF POLICE, [RESPONDENT]
AMBATTUR RANGE,
AMBATTUR ESTATE POLICE STATION,
CHENNAI - 53.
CR.NO.746 OF 2014

For Petitioner : M/S.S.SURESH Advocate

For Respondent : MR. T.SHUNMUGA RAJESWARAN, Govt.Advocate(CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A-10 in Crime No.746 of 2014 on the file of Assistant Commissioner of Police, Ambattur Estate Police Station, Chennai-53 was arrested on 08.08.2014 for the offences punishable under Sections 341, 307, 302 r/w 153(A) and 120(B) of IPC, and the same was altered into Sections 341, 307, 302 r/w 153(A) and 120(B) of IPC and Sections 17, 18, 19, 20 of Unlawful Activities (Prevention) Act, 1976 Amendment Act, 2014 on the file of the respondent-Police, seeks bail.

2. During the pendency of the investigation, earlier bail petitions of the petitioner came to be dismissed on three occasions and this is the fourth application.

3. The case of the prosecution is that the defacto complainant is the brother of the deceased. The deceased was brutally assaulted and murdered by a gang using deadly weapons. On that incident one Ramkumar was also severely beaten by the gang due to which, he sustained grievous injuries.

4. Mr.S.Suresh, learned counsel for the petitioner would state that the respondent after completing the investigation has laid a charge sheet and the same was taken on file in S.C.No.1 of 2015 on

the file of Principal District and Sessions Judge, Thiruvallur and out of 17 accused, A-5, A-10 and A-14 have become approvers, which was accepted by the competent Court.

5. It is further contended that the accused A-5 and A-14 filed CrI.O.P.No.1933 of 2019, seeking bail and this Court, granted them bail, by an order dated 28.01.2019. According the learned counsel, the petitioner is also similarly placed person and his case can be considered favourably.

6. Mr.T.Shanmuga Rajeswaran, learned Government Advocate (Criminal Side) would state that the final report filed by the respondent-Police was accepted and the case is now taken on file in S.C.No.1 of 2015. After framing of charges, when the trial is likely to commence, three of the accused in this case have turned as approvers and their statement was recorded and pardon was also granted by the learned Chief Judicial Magistrate. The petitioner is now cited as witness No.105 in the list of witnesses.

7. Taking note of the fact that the petitioner has been in judicial custody since 08.08.2014 and the similarly placed accused A-5 and A-14 were granted bail by this Court, I am inclined to grant bail to the petitioner.

8. 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 each for the like sum to the satisfaction of the learned Principal Sessions Judge, Thiruvallur 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 petitioner shall report before the trial Court, viz., The Principal Sessions District & Sessions Court, Thiruvallur in S.C.No.1 of 2015, daily at 10.30 a.m. and 5.30 p.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 v. State of Kerala [(2005) AIR**

SCW 5560]

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

-sd/-

29/01/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE
THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PRINCIPAL SESSIONS
DISTRICT & SESSIONS COURT,
THIRUVALLUR

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE ASSISTANT COMMISSIONER OF POLICE,
AMBATTUR RANGE,
AMBATTUR ESTATE POLICE STATION,
CHENNAI - 53.

+1 CC to M/S.S.SURESH Advocate on payment of necessary charges
SR.NO. 1959

CRL OP.1968/2019

Date :29/01/2019

RD 29/01/2019