

IN THE HIGH COURT JUDICATURE AT MADRAS
DATED: 09.05.2019
CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.A.No.271 of 2019

Saravanan

... Appellant

Vs.

State by
Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
Cr.No.132/2019

... Respondent

PRAYER : Criminal Appeal is filed under Section 14(A) (2) of SC/ST Act 1989 to set aside the order passed by the learned Principal District and Sessions Judge, Chengalpattu, Kancheepuram District in Crl.M.P.No.1495/2019 dated 26.03.2019 and enlarge the appellant on bail in Crime No.132/2019 pending on the file of Inspector or Police, Kanchi Taluk Police Station, Kancheepuram District.

For Appellant : Mr.N.Sudharsan
For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

ORDER

This appeal has been filed against the dismissal of the bail petition filed by the petitioner. The petitioner was arrested and remanded to Judicial custody for the alleged offences under Sections 147, 148, 294(b), 324, 341, 506(ii), 307 and 302 IPC, read with Section 3(2) (1) (A) (v) of SC/ST Act 2015 in Crime No.132 of 2019.

2. The case of the prosecution is that on 05.03.2019 at about 18.00 hours the defacto complainant's brother standing along with his friends near Pacchaiyappas ground. At that time the petitioner and other accused persons attacked the public, who were coming on the road. When this was questioned by the brother of the defacto complainant, the accused persons are said to have assaulted with knives and caused grievous injuries to him. As a result, he sustained injuries and later died in the hospital on the same day. There are totally eight accused persons in this case and the present petitioner/Appellant is A7.

3. The learned Counsel for the Appellant submitted that a false case has been foisted against the Appellant/ petitioner and the petitioner has nothing to do with the

alleged offence. The learned Counsel further submitted that the petitioner was arrested and remanded to judicial custody on 07.03.2019 and he has already suffered incarceration for more than 60 days.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that all the accused persons had attacked the deceased resulting in his death and they also caused injuries to five other persons and all these injured have already been discharged. The learned counsel further submitted that there are no previous cases against this petitioner.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the petitioner has already suffered incarceration for more than 60 days and there are no previous cases against this petitioner and considering the age of the petitioner, this Court is inclined to interfere with the order of the Court below by setting aside the same and grant bail to the petitioner subject to the following conditions.

6. 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 a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kancheepuram, Kancheepuram District, 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 respondent police, daily at 10.30 a.m. and 5.30 p.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 vs. State of Kerala [(2005)AIR SCW 5560].

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

7. In the result, this Criminal Appeal is allowed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

rsi/ssr

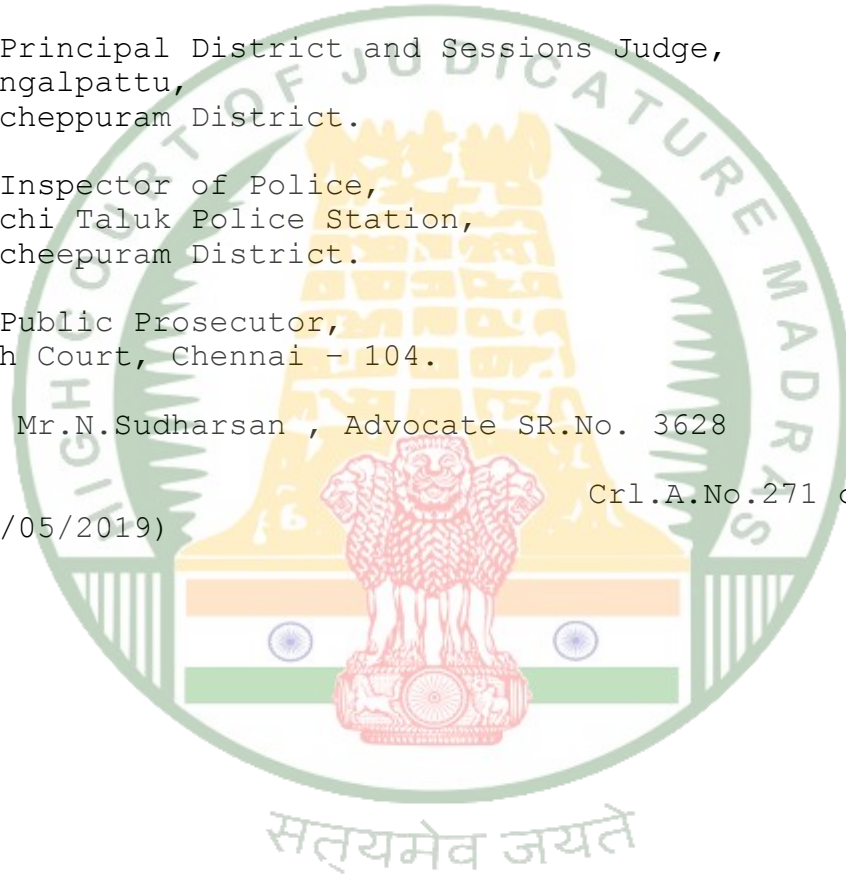
To

1. The Principal District and Sessions Judge,
Chengalpattu,
Kancheepuram District.
2. The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Chennai - 104.

+1cc to Mr.N.Sudharsan , Advocate SR.No. 3628

A.SK(13/05/2019)

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