

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.7182 of 2020

Appu K

..Petitioner/Accused 8

-Vs

State by

..Respondent/Complainant

The Inspector of Police,
D-3, Ice House Police Station,
Triplicane,
Chennai

Prayer: Criminal Original Petition is filed under Section 439 of Crl.P.C, to enlarge the petitioner on bail pending investigation in Crime No.29/2020 on the file of the respondent police.

For Petitioner : Mr.T.S.Lavanesh

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The cases have been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 20.01.2020 for the offence punishable under **Sections 147, 148, 341, 363, 307, 506(2) IPC and later altered into Sections 147, 148, 341, 364, 120(b), 506(2), 302 read with 34 IPC** in Crime .No.29 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Gurumoothy is that on 19.01.2020 at about 10.30 p.m., at Natesan Road, B.B. Salai, the petitioner herein along with other accused, abducted the deceased Ramkumar by an Auto Rickshaw and taken him to a secluded place and committed the murder.

3.The learned counsel appearing for the petitioner would submit that the petitioner was granted interim bail by this Court by order dated 31.03.2020 on the ground that similarly placed co-accused were granted bail. He would further submit that the investigation has been completed and the charge sheet has been filed. Hence, he prays that the interim bail granted to the petitioner may be made absolute.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner along with other accused abducted the deceased Ramkumar in an Auto Rickshaw to a secluded place and committed the murder. He would further submit that the investigation has been completed and the final report has been filed before the Metropolitan Magistrate-II, Egmore, Chennai.

5. Taking into consideration, the facts and circumstances of the case and the fact that the investigation has been completed and final report has been filed, the **Interim Bail granted to the petitioner by order dated 31.03.2020 is made absolute**, subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Egmore, Chennai**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall appear before the **Metropolitan Magistrate-II, Egmore, Chennai, everyday at 10.30 a.m. until further orders.**

(d) the petitioner shall not commit any offences of similar nature;

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/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];

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

-sd/-
07/12/2020

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE INSPECTOR OF POLICE,
D-3, ICE HOUSE POLICE STATION,
CHENNAI -600 003.

+1 CC to M/S. T.S.LAVANESH Advocate on payment of necessary charges SR.No 7940

CRL OP.7182/2020

Date :07/12/2020

MN-08/12/2020