

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2020

CORAM:

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

Cr1.O.P.No.8419 of 2020

A.Santhosh Kumar

... Petitioner

Vs.

State Reptd. by
The Inspector of Police
R7-KK Nagar Police Station
KK Nagar, Chennai.
Crime No.217 of 2020.

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in respect of the above Crime No.217 of 2020 on the file of the respondent, subject to the satisfaction of the XXIII Metropolitan Magistrate Court, Saidapet.

For Petitioner : Mr.G.Peranban

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.04.2020 for the offences punishable under **Sections 302, 342 IPC in Crime No.217 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the petitioner is that the deceased stole the bike of A1. A1 along with other accused persons called the deceased to A1's house and asked him about the theft, thereby, quarrel arose and the deceased was assaulted by the accused persons and he died unexpectedly.

3. The learned Counsel for the petitioner submitted that the co-accused / A1 & A3 were granted bail by the Sessions Judge in Cr1.O.P.No.8695 of 2020 on 15.06.2020 and A4 was enlarged on bail by the Hon'ble High Court.

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused persons attacked the deceased. Hence, he vehemently opposed for the grant of bail.

5. In view of the fact that co-accused were enlarged on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the XXIII Metropolitan Magistrate Court, Saidapet, Chennai on or before 22.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) **the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.**

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

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

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

(h) 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/06/2020

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 XIII METROPOLITAN MAGISTRATE COURT
SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
R7-KK NAGAR POLICE STATION,
KK NAGAR, CHENNAI.

5 THE SUPERINTENDENT OF
CENTRAL PRISON, PUZHAL.

CC to M/S.G.PERANBAN Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.8419/2020

Date :22/06/2020

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TA-16/07/2020