

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No. 8695 of 2020

M.Deena

... Petitioner

-VS-

State rep. by
The Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioners on bail in Crime No.217 of 2020 pending investigation on the file of the Respondent Police.

For Petitioners : M/s.A.Thirumaran

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

The Petitioner, who was arrested and remanded to judicial custody from 14.04.2020 for the offence punishable under Sections 324, 302 of IPC, in Crime No. 217 of 2020 on the file of the Respondent Police, seek bail.

2. The case of the prosecution is that the defacto complainant is the mother of the victim. On 14.04.2020, she preferred a complaint alleging that on 13.04.2020, the petitioner had accompanied the other accused, came to the house of the victim. One Ramachandran who is one of the accused had stated that the victim had stolen the bike and had taken the victim with him. One Tamizh Selvan who accompanied the victim informed that the petitioner and others had attacked the victim with logs and tried to find out the whereabouts of the bike and in the said process the victim had succumbed to injuries. Hence the complaint was registered.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner has not committed any offence as alleged by the prosecution. He would further submit that the Petitioner has been falsely implicated in this case and there is no bad antecedent against him. Further he would submit that the Petitioner is in judicial custody from 14.04.2020 and hence, he seeks bail for the Petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the Petitioner along with others had attacked the victim, due to which he succumbed to injuries. He admits that there is no previous case against the Petitioner. He opposed for grant of bail to the Petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 14.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) The petitioner shall execute 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) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, 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 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 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]***.

(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.

kmm

Index: Yes/No

Internet: Yes/No

To

1. The State of Tamil Nadu,
The Inspector of Police,

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R-7, K.K.Nagar Police Station,
Chennai.

2. The XXIII MM Court
Chennai.

3. The Superintendent,
Central Prison,
Puzhal.

4. The Additional Public Prosecutor,
High Court of Madras.

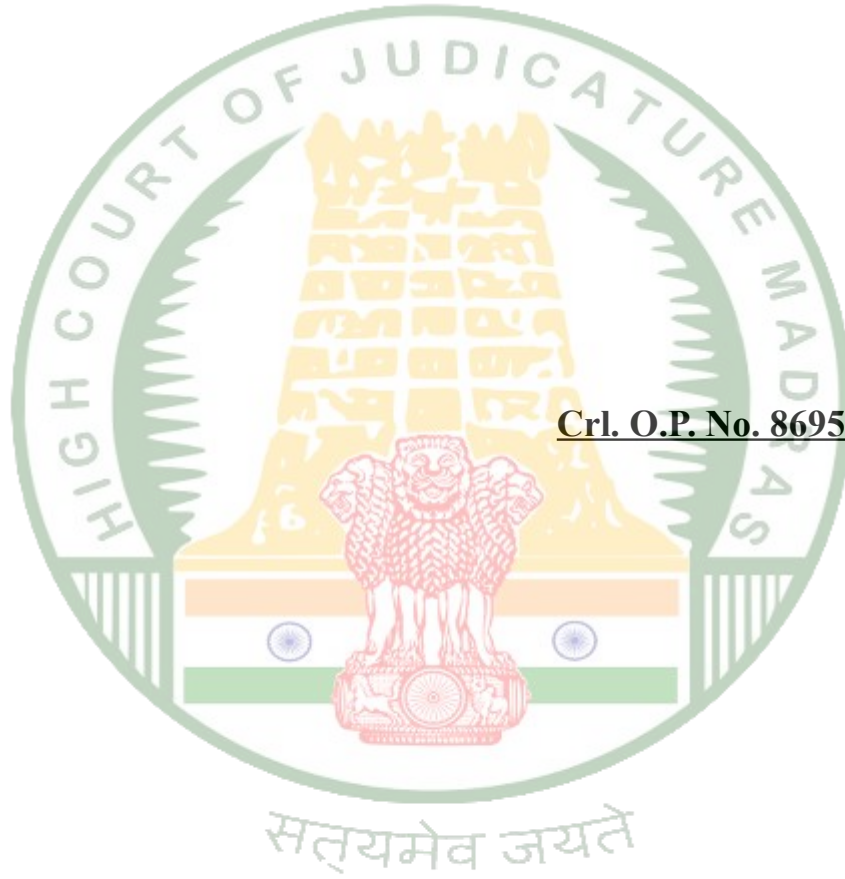


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M. NIRMAL KUMAR, J.

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