

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2020

CORAM :

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

Cr1.O.P.No.9729 of 2020

1.Ajay @ Devendran
2.Purushothaman

... Petitioners

/versus/

State by: The Inspector of Police,
S-10, Pallikaranai Police Station,
Pallikaranai,
Chennai-100.
(Crime No.517/2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to grant bail to the petitioners / Accused Nos.3 & 5 pending investigation in Crime No.517 of 2020 on the file of Respondent Police.

For petitioners : Mr.A.P.Sathyamurthy

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 25.04.2020 for the alleged offences punishable under Sections 147, 148, 302 and 307 IPC in Crime No.517 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that A1 and A2 had earlier quarrelled with the brother of the deceased which was questioned by the deceased. Hence, on the date of occurrence, the accused armed with deadly weapons had gone to the place where the deceased was sitting with the complainant and indiscriminately assaulted the deceased and the complainant with deadly weapons. All the accused have inflicted injuries on the deceased and the complainant. The deceased died on the spot. The defacto complainant has survived.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that they have been falsely implicated in this case. In fact, the defacto complainant's brother had attacked one of the accused and there was a quarrel between them. He would submit that the petitioners are inside the prison for more than 65 days and taking into consideration the age of the petitioners and that there are no previous cases pending against them, the bail of the petitioners may be considered.

4.The learned Additional Public Prosecutor submitted that the petitioners, who are youngsters, had enmity with the deceased and his brother. Pursuant to which, on the fateful day, armed with deadly weapons to do away with the deceased, the accused had gone to the place of occurrence and assaulted the defacto complainant and the deceased, resulting in the death of the accused. He would submit that the investigation is pending.

5.Taking into consideration the facts of the case and that the petitioners are suffering incarceration for more than 65 days, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.2, Alandur, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Monday at 10.30 a.m., until further orders.

(e) the petitioners to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f)the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) 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];

(j) 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/-
30/06/2020

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 PRINCIPAL SESSIONS JUDGE,
KANCHEEPURAM DISTRICT, CHENGALPATTU.

2 THE JUDICIAL MAGISTRATE,
NO.2, ALANDUR.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET.

6 THE INSPECTOR OF POLICE,
S-10 PALLIKARANAI POLICE STATION,
PALLIKARANAI, CHENNAI.

CC to M/S. A.P.SATHYAMURTHY Advocate on payment of necessary charges

CRL OP.9729/2020

Date :30/06/2020