

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2020

CORAM :

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

Crl.O.P.No.11718 of 2020

Sri Pradip Khakhalary

... Petitioner

Vs.

State represented by,
The Inspector of Police,
E-10, Kayar Police Station,
Kayar Village, Thiruporur Taluk,
Kancheepuram District.
(Crime No.5 of 2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No. 5 of 2020 on the file of the respondent police.

For Petitioner : M/s. E.Bharathi
S.Elumalai

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 29.01.2020 for the offences punishable under Section 302 IPC, in Crime No.5 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner belongs to Bihar and the deceased belongs to Assam and that they were working in the same place. During a quarrel between them, the petitioner assaulted the deceased and due to which, the deceased sustained injuries on his head and died on the spot.

3.The learned counsel appearing for the petitioner would submit that he was arrested on 29.01.2020 and he was in prison for more than six months and final report has not been filed and he is not entitled for bail under Section 167(2) Cr.P.C. He would further submit that the petitioner is ready to furnish solvency certificate and is prepared to abide any stringent conditions that is to be imposed by this Court.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner had committed the murder of his co-worker. He would further submit that the accused belongs to Bihar State and the deceased belongs to Assam and there is every possibility of absconding that if the petitioner is let on bail, he will not be available for trial.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, 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 condition that the petitioner shall furnish **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) (out of the two sureties one should be a blood relative surety)**, before the learned Judicial Magistrate I, Chengalpet,

(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 on his release from prison, report before the respondent police everyday at 10.30 a.m. for a period of one month and thereafter every Sunday at 10.30 a.m. until further orders.**

(d) **the petitioner shall give his mobile number and the contact details to the respondent police.**

(e) **the petitioner shall appear before the Trial Court on intimation by the respondent police.**

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

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

(h)the petitioner 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/-
14/08/2020

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 JUDICIAL MAGISTRATE - I,
CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-10, KAYAR POLICE STATION,
KAYAR VILLAGE, THIRUPORUR TALUK,
KANCHEEPURAM DISTRICT.

5 THE SUPERINTENDENT,
PUZHAL PRISON, CHENNAI.

CC to M/S.E.BHARATHI Advocate on payment of necessary charges

CRL OP.11718/2020

Date :14/08/2020

TA-09/09/2020

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