

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2020

CORAM :

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

Crl.O.P.No.13722 of 2020

Dinesh

... Petitioner

Vs.

Inspector of Police
K-10, Koyambedu Police Station
Chennai
(Crime No.791 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner in Crime No.791 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Marimuthu

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.07.2020 for the offence punishable under Sections 147 & 148, 294(b), 427, 448, 302 IPC, in Crime No.791 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 11.07.2020, the accused, totally 10 in number entered into the house of the defacto complainant and committed the murder of his son Srikanth Raj and assaulted him with knife indiscriminately.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since he is the brother of A4. He would further submit that the petitioner is a graduate and a young man of 21 years and that he has no connection with the crime. He would further submit that the deceased Srikanth Raj is a notorious person and there is one 302 IPC case pending against him and due to previous enmity, some other person who is having enmity against him committed the murder. He would further submit that the petitioner was arrested on 11.07.2020 and is in custody for more than 55 days and there is no previous case against him.

4.The learned Government Advocate (Criminal Side) would submit that the deceased is a call taxi driver and had one murder case pending on the file of the Virugambakkam Police Station, who also posed as DADA in the local area. Hence, due to previous enmity, on the date of occurrence, the petitioner along with other 9 accused, carrying deadly weapons entered into the house of the victim and committed the murder by attacking him indiscriminately with knife. He would further submit that the investigation is pending. He would further submit that as far as this petitioner is concerned, there is no previous case against him.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and also considering the period of incarceration, 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 to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier,** execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the Metropolitan Magistrate Court, Egmore, 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 on his release from prison shall stay at Vellore and report before the Vellore North Police Station daily at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into jurisdictional limits of the respondent police.

(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 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.

-sd/-
04/09/2020

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 COURT,
EGMORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-10 KOYAMBEDU POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE,
VELLORE NORTH POLICE STATION,
VELLORE.

+1CC to M/S.T.MARIMUTHU Advocate on payment of necessary charges SR NO.6126

CRL OP.13722/2020

Date :04/09/2020