

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2020

CORAM :

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

CRL.O.P.No.15004 of 2020

Muthu

... Petitioner

Vs.

State rep. by:

The Inspector of Police,
S-8, Adambakkam Police Station,
Adambakkam,
Chennai-600 088
(Crime No.1108 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.1108 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Suresh Babu

For Respondent : Mrs.Thankira
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 17.07.2020 for the offences punishable under **Sections 147, 148, 341, 294(b), 307, 302 and 120(B) of IPC in Crime No.1108 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a dispute between the family members of the de-facto complainant and the accused due to disposal of sewage and waste and there was a fight on 10.07.2020. The further allegation is that on 12.07.2020, the family members of the petitioner along with their friends entered into the house of the defacto complainant and assaulted the father of the defacto complainant, due to which, the father of the de-facto complainant died and the other family members sustained injuries.

3. The learned counsel for the petitioners would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the only allegation against the petitioner /A6 is that he had dropped A1 in his motorcycle. He would further submit that the name of the petitioner does not find place in FIR. He would submit that the main accused in this case one Vicky, Arul and PaulKumar have been detained under Act 14 and the major part of the investigation is over. He would further submit that this Court had granted bail to three similarly placed co-accused in this case, vide order dated 11.09.2020 in CrI.O.P.No.14148 of 2020 and order dated 18.09.2020 in CrI.O.P Nos.14599 & 14601 of 2020. He would further submit that there is no previous case against the petitioner. He would further submit that the petitioner is prepared to abide by any stringent conditions that may imposed on him by this Court.

4. The learned Government Advocate (CrI. Side) would submit that due to previous enmity, the petitioner along with other accused committed the murder of the father of the defacto complainant and also caused injury to the defacto complainant and his family members. She would submit that the investigation is pending and the three accused have been detained under Act 14 of 1982.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering 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 to 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.

(b) Thereafter, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Alandur, Chennai, within a period of two weeks from the date of 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 petitioner shall stay at Tindivanam and report before the Tindivanam Town Police Station daily at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into the 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/-
24/09/2020

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 JUDICIAL MAGISTRATE NO.II,
ALANDUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-8, ADAMBAKKAM POLICE STATION,
CHENNAI -88

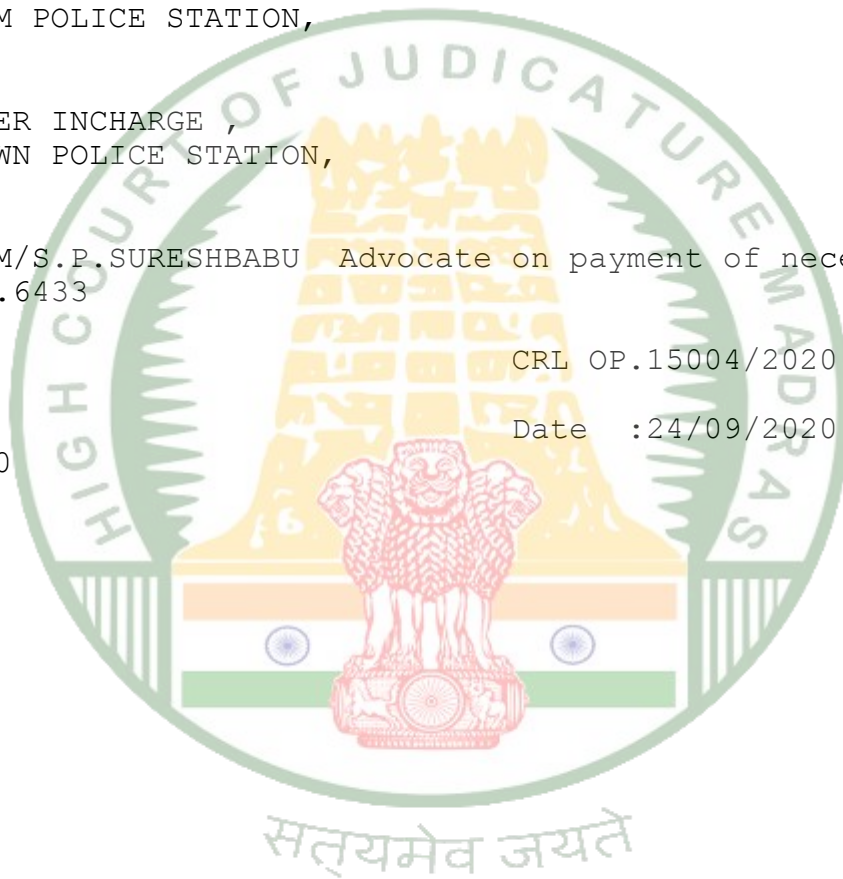
5 THE OFFICER INCHARGE ,
TINDIVANAM TOWN POLICE STATION,
TINDIVANAM

+1 CC to M/S.P.SURESHBABU Advocate on payment of necessary
charges SR.NO.6433

CRL OP.15004/2020

Date :24/09/2020

GKS:25/09/2020



WEB COPY