

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM :

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

CRL.O.P.No.15150 of 2020

Thajudhin

... Petitioner

Vs.

The State represented by,
The Inspector of Police
K-10, Koyambedu Police Station
Chennai.
(Crime No.87 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.87 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Dhayalan

For Respondent : Ms.S.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 30.07.2020 for the offences punishable under **Section 341, 294(b), 307 IPC @ Sections 341, 294(b), 302 IPC in Crime No.87 of 2020**, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Selvi is that her son Preveen Kumar had gone to see his friends viz., Vikki and Mohan and thereafter, he did not come back. On 16.02.2020, she was informed that on 14.02.2020 while the son of the defacto complainant and his friends were going along Abirami Nagar Main Road, the accused who were there had suspected them to have come to commit theft of two wheelers and assaulted them indiscriminately with hands and legs, due to which, the defacto complainant's son sustained injuries and was admitted in the hospital and later after six days, he passed away, without responding to treatment.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that he has been falsely implicated in this case. He would submit that even as per the case of the defacto complainant, the petitioner and the other accused, who are the residents of that area suspected that the victim and his friends had come to their area to commit theft of two wheelers and had assaulted them. He would submit that the petitioner has no other case pending against him and that since, he happens to be the friend of the other accused, he has been arrested on 30.07.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner and his friends had suspected that the victim and his friends to be a persons, who had come to their area for committing theft of two wheelers and had attacked them indiscriminately with hands, due to which, he has sustained grievous injuries. Thereafter, the victim was taken to hospital and he died after few days. She would further submit that A2 and A3 in this case have been detained under Act 14, 1982 and other accused have been arrested. She would also submit that A6, A7 and A8 are Juvenile. Hence, she opposed to grant bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsels and also considering the fact that the petitioner is in jail from 30.07.2020, 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a likesum to the satisfaction of the **V Metropolitan Magistrate Court, Egmore**, and on further conditions that;

(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 report before the respondent police everyday at 10.30 a.m. and 05.30 p.m., until further orders.

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

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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/-
25/09/2020

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 V METROPOLITAN MAGISTRATE COURT,
EGMORE

2 THE SUPERINTENDENT,
CENTRAL PUZHAL PRISON, CHENNAI

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

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

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

CRL OP.15150/2020

Date :25/09/2020

GKS:29/09/2020