

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2020

CORAM :

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

CRL.O.P.No.16101 of 2020

Deena

... 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 on bail in Crime No.791 of 2020 on the file of the Inspector of Police, Koyambedu Police Station, Chennai.

For Petitioner : Mr.T.Marimuthu

For Respondent : Mr.T.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 offences punishable under Sections 147, 148, 294(b), 427, 448, 302 of IPC, in Crime No.791 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Balasubramani is that on 07.07.2020 at about 9.45 p.m., the accused, totally 10 in number, barged into the house of the defacto complainant and committed the murder of his son Srikanth Raj. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is a young boy, aged about 19 years and he was arrested on 11.07.2020. He would further submit that even as per the report of the police, the deceased Srikanth Raj was a notorious person against whom, there were several criminal cases including one 302 IPC case. The deceased also a person who posed himself as a rowdy and informed so the local area and caused problems to many persons. He would further submit that the petitioner has two previous cases pertaining to the year 2018 and thereafter, petitioner has no cases against him. He would further

submit that co-accused / A8 and A6 have been granted bail by this Court in CrI.O.P.No.13722 of 2020 and CrI.O.P.No.14005 of 2020 dated 04.09.2020, 09.09.2020 respectively. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that due to previous enmity the petitioner along with his friends, by carrying deadly weapons entered into the house of the victim and committed the murder by attacking him indiscriminately with knife. He 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. He would submit that as far as this petitioner is concerned, he has two previous case against him.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that co-accused/A8 and A6 have been granted bail by this Court 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 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 V Metropolitan Magistrate Court, Egmore, Chennai, 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 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.

(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/-

12/10/2020

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 V METROPOLITAN MAGISTRATE
COURT, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE COURT, EGMORE,
CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

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

CC to M/S.T.MARIMUTHU Advocate on payment of necessary charges
sr.6782

CRL OP.16101/2020

Date :12/10/2020

RVR 13/10/2020