

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2020

CORAM :

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

CRL.O.P.No.18904 of 2020

R.Rajesh Kumar

... Petitioner

-Vs

State Rep by
The Inspector of Police,
K-7, ICF Police Station,
Chennai
(Crime No.547 of 2020)Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Crl.P.C, to enlarge the petitioner on bail pending investigation in Crime No.547 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Nambirajan

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

ORDER

(The cases have been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 24.08.2020 for the offence punishable under **Sections 143, 147, 148, 120(b), 302 and 506(2) IPC** in Crime No.547 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Ravindran who is the relative of the deceased Karunakaran is that on 24.08.2020 one Samanasu, the resident of the locality died and on the same day the accused who had come to attend the funeral, had quarreled with the deceased and thereafter, assaulted him with concrete stone and knives due to which, he succumbed to injuries and the petitioner who is arrayed as A4 was arrested on the same day.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Admittedly, the petitioner had gone to attend the funeral and there was some quarrel and that the respondent arrested the petitioner on suspicion that the petitioner is also the associate of the other accused. He would further submit

that the respondent after completion of investigation have filed charge sheet and the same is taken on file in S.C.No.136 of 2020 on the file of the XVI Additional District Sessions Judge, Chennai. He would further submit that the petitioner is a 2nd year Student in Pachaiyappas College and he is the victim of circumstances and that he has been suffering incarceration for more than 100 days from 24.08.2020. He would further submit that the petitioner is prepared to abide by any stringent condition. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner is arrayed as A4. On the date of occurrence, the petitioner along with other accused had gone to attend a funeral where, they had picked up a quarrel with one Karunakaran, the relative of the defacto complainant in a drunken stage and thereafter, taken the deceased to a secluded place and assaulted him with stone and knives and caused his death. He would further submit that the investigation has been completed and charge sheet has been filed and the same has been committed to the Court of Sessions for trial in S.C.No.136 of 2020 on the file of the XVI Additional District Sessions Judge, Chennai and now the case stands posted on 15.12.2020 for summoning witnesses.

5. Taking into consideration, the facts and circumstances of the case and the fact that the investigation has been completed and the case has been committed to the Court of Sessions 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 out of which, one surety shall be either the father or the mother of the petitioner, each for a like sum to the satisfaction of the **XVI Additional District Sessions Court, 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 shall appear before the learned XVI Additional District Sessions Judge, Chennai, on all working days at 10.30 a.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.

-sd/-

08/12/2020

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 XVI ADDITIONAL DISTRICT SESSIONS COURT,
CHENNAI,

2 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-7, ICF POLICE STATION,
CHENNAI.

+1 CC to M/S.S.NAMBIRAJAN Advocate on payment of necessary charges SR.NO.7974

CRL OP.18904/2020

Date :08/12/2020

TA-09/12/2020