

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1131 of 2021

Naveen Kumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
V-1 Villivakkam Police Station,
Chennai.
(Crime No.1011 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.1011 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. K. Thenrajan

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 14.11.2020 for the offence punishable under Section 147, 148 and 307 altered into 302 IPC in Crime No.1011 of 2020 and seeks bail.

2. Totally there are 6 accused in this case and the petitioner is A3. The case of the prosecution is that the petitioner and the deceased belong to same area. On 13.11.2020, in a local function, the deceased said to have threatened the accused persons and robbed a sum of Rs.200/- from them. Hence, all the accused said to have attacked the deceased with Aruval and thereby, caused injuries and thereafter, he was admitted in the hospital and succumbed to injuries. Hence, a case has been registered against the petitioner and others.

3. The learned counsel for the petitioner would submit that the petitioner is 19 years old and he has no bad antecedent and even in the first Information Report, his name is not found place and he has been falsely implicated in this case. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that wordy quarrel arose between the parties in the local function. As per the First Information Report, four accused attacked the deceased and caused injuries. Based on the confession of A1, this petitioner has been implicated in this case. She would further submit that investigation in this case is almost completed and all other accused in this case has been arrested and remanded to judicial custody. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that investigation is almost completed, and no specific overtact attributed against the petitioner, and his name is not found in the First Information Report, and 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 learned XIII Metropolitan Magistrate, Saidapet, 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 report before the respondent police daily 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
27/01/2021

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 NO.XIII,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
V-1 VILLIVAKKAM POLICE STATION,
CHENNAI.

+1CC to M/S.K.THENRAJAN Advocate on payment of necessary charges SR NO.884

CRL OP.1131/2021

Date :27/01/2021

MK:29/01/2021