

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.O.P.No.1186 of 2021

E.Rajasekar

.. Petitioner

Vs.

The State of Tamil Nadu,
Represented by its:
Inspector of Police (L & O),
K1 Sembium Police Station,
Chennai.

Crime No.8 of 2021

..Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner/ Accused, on bail in K1 Crime No.8 of 2021 on the file of the Respondent pending investigation.

For Petitioner : M/s.D.Percivul Pericles
for Mr.B.Kalaiarasan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested on 05.01.2021 and remanded to judicial custody on 06.01.2021 for the offences punishable under Sections 294(b), 341, 324, 307 and 506(ii) IPC, in Crime No.8 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the complainant is that the petitioner along with other accused abused and attacked the defacto complainant with knife and hands and also threatened with dire consequences.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not been shown as an accused in the FIR. He would also submit that the co-accused has been released on bail. Hence, he prays for grant of bail to the petitioner.

4. The Learned Additional Public Prosecutor would submit that the petitioner has no previous case pending against him. She would also submit that the injured has been discharged from the hospital.

5. Heard the learned Counsel on either side. Perused the materials placed on record.

6. Considering the facts and circumstances of the case and also considering the period of incarceration, and also considering the fact that the co-accused has been released on bail, 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 the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore Unit, Chennai, failing which the bail granted by this Court shall stand dismissed automatically 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 report before the learned V Metropolitan Magistrate, Egmore Unit, Chennai, on every Monday 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/-

29/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 V METROPOLITAN MAGISTRATE,
EGMORE UNIT, CHENNAI

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INPSECTOR OF POLICE (L AND O)
K1 SEMBIUM POLICE STATION,
CHENNAI

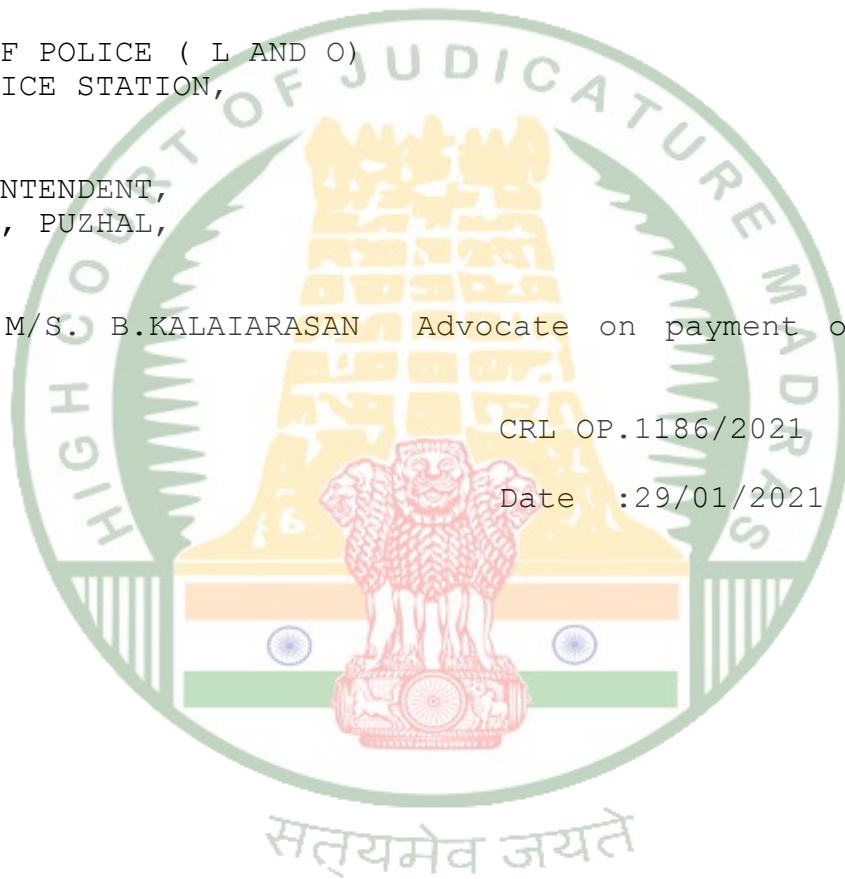
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

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

CRL OP.1186/2021

Date :29/01/2021

RVR 29/01/2021



WEB COPY