

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1516 of 2021

Yuvaraj

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
H-6, R.K. Nagar Police Station,
Chennai.
(Crime No.3764 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.3764 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. S. Nambirajan

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 25.12.2020 for the offence punishable under Sections 147, 148, 341, 294(b), 427, 307 and 506(ii) IPC in Crime No.3764 of 2020, seeks bail.

2. The case of the prosecution is that due to some previous enmity between A1 and one Saravanan, all the accused said to have planned to commit murder, and in pursuant to the same, on 24.12.2020, they chased the car of said Saravanan, as he escaped from the spot, all the accused attacked the driver of the said car and caused serious injuries. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He is the son of A1 and no overtact has been attributed against the petitioner. He would further submit that injured has been discharged from the hospital. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all are rowdy elements and they have planned to murder one Saravanaan, and luckily , he escaped, in turn, they brutally attacked the driver and caused serious injuries. She would further submit that there is no previous case as against the petitioner. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that no specific overtact has been attributed as against the petitioner and no previous case is pending as against the petitioner 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 learned Metropolitan Magistrate No.XV, George Town, 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/-
03/02/2021

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 XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-6, R.K.NAGAR POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON NO.II, PUZHAI, CHENNAI.

+1 CC to M/S.S.NAMBIRAJAN Advocate on payment of necessary charges SR.NO.1049

CRL OP.1516/2021

Date :03/02/2021

TA-04/02/2021

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