

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1899 of 2021

1.Sivakumar
2.Bharathwaj
3.Sridhar
4.Karthick

... Petitioners

Vs.

State:
Inspector of Police,
E1 Mylapore Police Station,
Chennai.
(Crime No.1234 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in the above PRC.No.70/2020 in Crime No.1234 of 2020 pending committal on the file of the learned XVIII Metropolitan Magistrate, Saidapet at Chennai.

For Petitioners: Mr.K.Selvakumaraswamy

For Respondent : Mr.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 24.10.2020 for the offence punishable under Sections 147, 148, 341, 302, 506(ii) r/w. 120(b) IPC in Crime No.1234 of 2020, seeks bail.

2. Totally there are 5 accused and the petitioners are A2 to A5. The case of the prosecution is that there was a previous enmity between A1 and deceased Manikandan, due to the same, on 23.10.2020, A1 along with these petitioners waylaid the deceased and attacked him with deadly weapon and caused grievous injuries to him and thereby, he succumbed to injuries. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and their name have not been found place

in the First Information Report and only based on the confession of A1, they have been implicated in this case. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 in this case has engaged all these petitioners and attacked the deceased indiscriminately and caused his death. She would further submit that now final report has been filed and the same is pending for committal in PRC No.70 of 2020 before the XVIII Metropolitan Magistrate, Saidapet, Chennai. She would also submit that the petitioners have no previous case. However, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case and the fact that final report has been filed and the matter is pending for committal and also the fact that there is no previous pending as against the petitioners and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners 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 XVIII 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 petitioners shall report before the Committal Court on all working days at 10.30 a.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
05/02/2021

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 XVIII METRROPOLITAN MAGISTRATE,
SAIDAPET.

2 THE CHEIF METRROPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E1 MYLAPORE POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON 2,
PUZHAI, CHENNAI.

+1 CC to M/S K.SELVAKUMARASWAMY Advocate on payment of necessary charges SR NO. 1160

WEB COPY

CRL OP.1899/2021

Date :05/02/2021

MN-08/02/2021