

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2523 of 2021

Jayaraman

... Petitioner

Vs.

State Rep. by

The Inspector of Police, (L & O),
S-15 Selaiyur Police Station,
Selaiyur, Chennai.
(Crime No.1221 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.1221 of 2020 on the file of respondent police.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is arrayed as A2. The petitioner, who was arrested and remanded to judicial custody on 03.12.2020 for the offence punishable under Sections 294(b), 323 and 506 (i) of I.P.C. and subsequently it was altered as Section 302 of I.P.C., in connection with P.R.C.No.28 of 2021 on the file of learned Judicial Magistrate at Tambaram in Crime No.1221 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity with the deceased, the petitioner along with other accused assaulted him using their hands to death and thus, the petitioner said to have committed a murder. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 22.12.2020. Now, this petition has been filed seeking for bail. Now it is stated that A3 and A4 were granted bail by the

learned Principal District Court, Chengalpattu in CrI.M.P.No.683 of 2021 and A1 was already granted bail by this Court in CrI.O.P.No.2523 of 2021 by an order dated 15.02.2021.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that he has been falsely implicated in the present case and the arrested co-accused were released on bail. He would submit that he was arrested on 02.12.2020 and he is in jail for nearly two months. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently opposed this petition on the ground that the petitioner along with other accused assaulted the deceased to death and it is a case of brutal murder. She would also submit that there is no previous case pending against the petitioner and the investigation is also completed. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that, the co-accused A3 and A4 were granted bail by the learned Principal District Court, Chengalpattu in CrI.M.P.No.683 of 2021 and A1 was granted bail by this Court in CrI.O.P.No.2523 of 2021 by an order dated 15.02.2021, and also considering the period of incarceration suffered by the petitioner from 02.12.2020, 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 Judicial Magistrate, Tambaram 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 trial court viz., learned Principal District Court, Chengalpattu on all working days 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/-
19/02/2021

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 JUDICIAL MAGISTRATE,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE (L AND O)
S-15, SELAIYUR POLICE STATION,
SELAİYUR, CHENNAI-600 073.

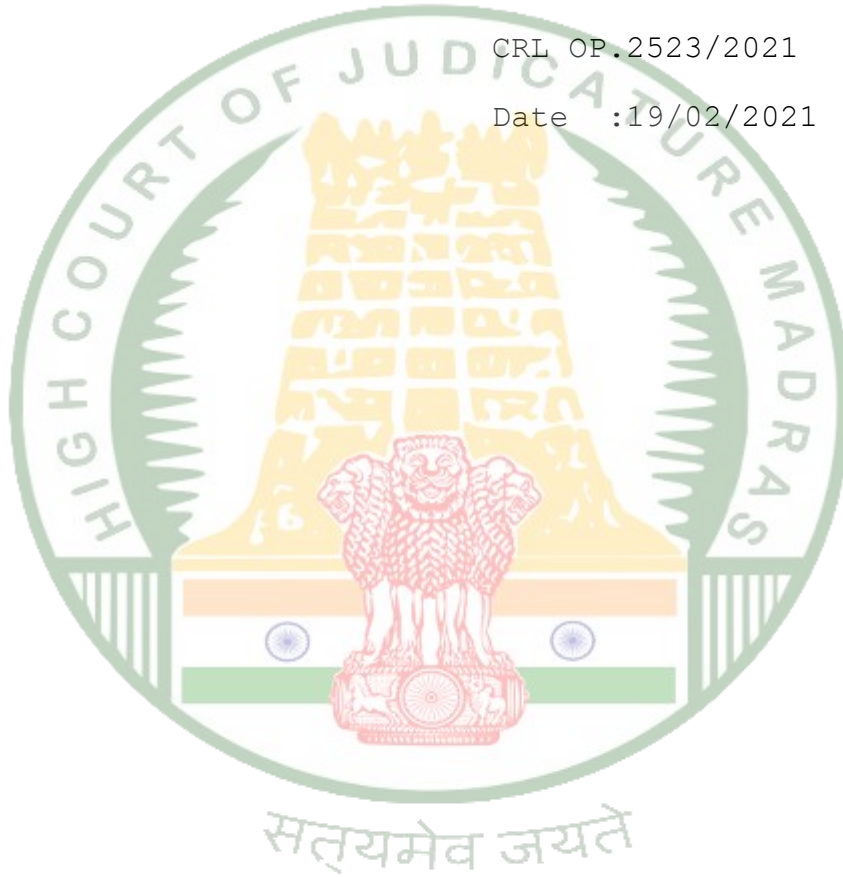
6 THE PRINCIPAL DISTRICT COURT,
CHENGALPATTU.

+2 CC to M/S.A.THIRUMARAN Advocate on payment of necessary charges
SR.No.1919

CRL OP.2523/2021

Date :19/02/2021

cs 22/02/2021



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