

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2944 of 2021

1 Dhinesh
2 Arunkumar
3 Dinesh

... Petitioners

Vs.

State rep by its
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
Cr.No.5210 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.5210 of 2020 on the file of the respondent police.

For Petitioner : Mr. G.Gayathri

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 15.12.2020 for the offence punishable under Sections 147, 148, 294(b), 324, 397, 304(2) and 506(ii) of IPC in Crime No.5210 of 2020, seeks bail.

2. Totally, there are 7 accused and the petitioner is arrayed as 4. The case of the prosecution is that on 10.12.2020, all the accused said to have consumed liquor near Sholavaram lake bund. Near to that place, the deceased and some other persons were also consuming liquor. Due to wordy quarrel between the two groups, the petitioner along with other accused said to have attacked the defacto complainant and other persons, and caused injuries. At that time, one Akilaesh, while trying to escape from the scene of occurrence, fell down into the lake and drowned. Hence, a complaint came to be registered.

3. The learned counsel for the petitioner would submit that in a wordy quarrel between two groups, in an inebriated mood, while running away from the scene of occurrence, the deceased said to have fell into the tank, and drowned. The petitioner has not committed

any offence as alleged by the prosecution. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that in a wordy altercation between two groups, the petitioner along with other accused in an inebriated mood, attacked the other group and caused serious injuries, in which, one of the person while trying to escape from the scene of occurrence, fell down into the tank, and drowned. She would further submit that now investigation is almost completed. She opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and investigation is almost completed 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 Judicial Magistrate-II, Ponneri, 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 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/-
26/02/2021

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,
NO.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.G.GAYATHRI Advocate on payment of necessary charges SR.NO.2460

CRL OP.2944/2021

Date :26/02/2021

TA-01/03/2021

WEB COPY