

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2444 of 2021

Abdul Hameed

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Mangadu Police Station,
Chennai.
(Crime No. 27 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.27 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.K. Balasubramaniam

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 16.01.2021 for the offence punishable under Sections 147, 148, 341, 294(b), 120(b) and 307 of IPC in Crime No.27 of 2021, seeks bail.

2. Totally, there are 6 accused and the petitioner is A5. The case of the prosecution is that the defacto complainant is an accused in another murder case, where, he said to have murdered one Prasanth. The accused in this case are relative and friends of the said Prasanth. In retaliation, all the accused abducted the defacto complainant and attacked him with deadly weapons and caused serious injuries to him. Hence, the case has been registered against them.

3. The learned counsel for the petitioner would submit that absolutely, there is no eye witness to the occurrence and the petitioner has been falsely implicated in this case and his name is not found place in the first information report . Now, 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 since the petitioner is involved in a murder case of one Prasanth, who is relative of A1, in retaliation, all the accused in this case conspired together and attempted to commit murder the defacto complainant and caused serious injuries. Now, injured has been discharged from the hospital. However, she opposed to grant bail to the petitioner.

5. I have considered the submissions and perused the materials available on records carefully.

6. Considering the said facts and circumstances of the case and the fact that injured has been discharged from the hospital 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, Sriperumpudur 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 twice, i.e. at 10.30 a.m. and 4.30. p.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/-
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,
SRIPERUMPUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.K.BALASUBRAMANIAM Advocate on payment of
necessary charges SR.NO.1917

CRL OP.2444/2021

सत्यमेव जयते
Date :19/02/2021

TA-22/02/2021

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