

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2801 of 2021

1. Rajesh Kanna
2. Karan @ Karanraj

... Petitioners

Vs.

State by
The Inspector of Police,
P-2 Otteri Police Station,
Chennai.
(Crime No.73 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.73 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.K.M.Mohamed Ziauddin

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

O R D E R

(The case has been heard through video conference)

Totally, there are six accused and the petitioners are arrayed as A3 and A5. The petitioners, who were arrested and remanded to judicial custody on 23.01.2021 for the offence punishable under Sections 294(b), 324, 307 and 506(2) of I.P.C. in Crime No.73 of 2021 on the file of respondent, seek bail.

2. The case of the prosecution is that the defacto complainant is a flower vendor and on the date of occurrence, while he was sleeping in the platform, wherein the petitioners have quarrelled and shouting each others. When the defacto complainant questioned them, the petitioners said to have attacked him with knife and caused serious injury. Hence, the criminal case was registered against the petitioners and now, they have filed this petition seeking for bail.

3. The learned counsel appearing for the petitioners submitted that even as per the F.I.R., it was mentioned that only two unknown persons have attacked the defacto complainant and there is no specific overtact attributed against the petitioners. He would submit that they have been falsely implicated in this case. He would submit that they are innocent persons and they are in judicial custody for more than one month. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that totally, there are six accused and the petitioners are arrayed as A3 and A5. She would submit that all the accused persons have joined together and attacked the defacto complainant, thereby caused serious injury. She would submit that the injured was discharged from the hospital and all the other accused are still in jail. Hence, she opposed to grant bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances, there is no specific overtact attributed against the petitioners, the injured discharged from the hospital, and also considering the period of incarceration suffered by the petitioner from 23.01.2021, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are 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 X Metropolitan Magistrate, Egmore, 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, on their release from prison, shall report before the respondent police daily 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

16/02/2021

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 NO.X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P-2, OTTERI POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S.K.M.MOHAMED ZIAUDDIN Advocate on payment of necessary charges SR.1642

सत्यमेव जयते CRL OP.2801/2021

Date :16/02/2021

RVR 17/02/2021

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