

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3192 of 2021

Jayaraj

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
J 11 Kannagi Nagar Police Station,
Chennai.
(Crime No. 1129 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.1129 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. M. Rajavelu

For Respondent : Mr.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 21.10.2020 for the offence punishable under Sections 341, 302,506(ii) IPC r/w. 114 and 34 of IPC in Crime No.1129 of 2020, seeks bail.

2. Totally, there are 5 accused and the petitioner is A5. The case of the prosecution is that the deceased, namely, Karthick is the friend of A1. The deceased said to have illicit intimacy with the wife of A1 and hence, the petitioner along with other accused said to have attacked the deceased and committed murder. Hence, the case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that motive is attributed only against A1 and even in the First Information Report, A1 to A4 were shown as accused and the name of the petitioner is not found place in the FIR. Subsequently, only based on the confession of the other accused, he has been implicated in this case. He would further submit that except A2, all other accused were released on bail. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused attacked the deceased with dangerous weapons and caused his death. Now, investigation over and the matter is pending for committal. She would further submit that A1, A3, A4 were already released on bail. 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 co-accused have been released on bail and also the fact investigation is completed and now the matter is pending for committal, 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 No.II, Alandur 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 committal Court daily at 10.30 a.m., 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 55601;

<https://hcservices.ecourts.gov.in/hcservices/>

(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 NO.II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON-2, PUZHAI,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
J 11 KANNAGI NAGAR POLICE STATION,
CHENNAI

+1CC to M/S.M.RAJAVELU Advocate on payment of necessary
charges SR NO.1936

CRL OP.3192/2021

Date :19/02/2021

MK:22/02/2021