

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3071 of 2021

S.Sasikumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
G-7 Chetpet Police Station,
Chennai.,
Crime No.10 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.10 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. M. Naresh

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 23.01.2021 for the offence punishable under Sections 294 (b), 341, 307, 506(ii) and 120(b) of IPC in Crime No.10 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is A1. The case of the prosecution is that a quarrel arose between the defacto complainant's husband and A3 in a funeral rituals of one Boopalan. Due to which, on the date of occurrence, all the accused persons said to have waylaid the husband of the defacto complainant and attacked him with knife and caused grievous injuries to him. Hence, a complaint came to be registered.

3. The counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that now injured has been discharged from the hospital. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that due to previous enmity, the petitioner along with other accused persons brutally attacked the victim and caused serious injuries to him. Now, injured has been discharged from the hospital and investigation is almost completed. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that injured has been discharged from the hospital 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 II 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 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 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/-
22/02/2021

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 II METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI.

2 THE CHEIF METRTOPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
G-7 CHETPET POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S.M.NARESH Advocate on payment of necessary charges

WEB COPY
CRL OP.3071/2021
Date :22/02/2021

MN-23/02/2021