

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3587 of 2021

Senguttuvan

... Petitioner

Vs.

State rep by its  
The Inspector of Police,  
Madhuranthagam Police Station,  
Chengalpattu District.  
Cr.No.1701 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.1701 of 2020 on the file of the respondent police.

For Petitioner : Mr. R. Sasikumar

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 21.08.2020 for the offence punishable under Sections 294 (b), 323, 324, 506(ii) of IPC altered into Section 302 of IPC in Crime No.1701 of 2020, seeks bail.

2. Totally, there are 8 accused and the petitioner is A1. The case of the prosecution is that due to previous enmity, the petitioner along with other accused persons said to have attacked the deceased with dangerous weapons and caused serious injuries to him and thereby, caused his death. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that initially, the crime was registered only for the offences under sections 294(b), 323, 324, 506(ii) and later it was altered into 302 of IPC. The petitioner has been falsely implicated in this case. He is no way connected with the offence. Earlier, by an order of the Executive Magistrate, under Section 110 of Cr.P.C., the petitioner was detained in custody and the same was set-aside by the order of this Court. He would further submit that co-accused in this case were

already released on bail. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having 9 previous cases. Due to previous enmity, petitioner along with other accused attacked the deceased and caused his death. She would further submit that now investigation is completed and final report is also filed. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that investigation is completed, final report has been filed and co-accused in this case have already been released on bail 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, Madhuranthagam, 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 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/-  
01/03/2021

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,  
MADHURANTHAGAM.

2 THE CHIEF JUDICIAL MAGISTRATE,  
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
MADHURANTHAGAM POLICE STATION,  
CHENGALPATTU DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL.

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

WEB COPY CRL OP.3587/2021  
Date :01/03/2021

MN-02/03/2021