

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4317 of 2021

Kosu @ Prakash

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
P-4, Basin Bridge Police Station,
Chennai.
(Crime No.927 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.927 of 2020 on the file of the respondent police.

For Petitioner : Mr. R. Murugan

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 29.12.2020 for the offence punishable under Sections 147, 148, 341, 302 and 506(ii) of IPC in Crime No.927 of 2020, seeks bail.

2. Totally there are 8 accused and the petitioner is arrayed as A8. The case of the prosecution is that due to previous enmity, all the accused conspired together and attacked the deceased with knife and sickle and thereby, caused his death. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the this petitioner is no way connected with the offence and his name is not found place in the First Information Report. Based on the confession of the co-accused, he has been falsely implicated in this case. He is no way connected with the offence. He is in jail from 29.12.2020. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that A1 to A7 are notorious rowdy elements and they were already detained under Goondas Act. This petitioner has also joined together with the other accused and attacked the deceased. She would further submit that there is no previous case pending as against the petitioner and investigation is completed and final report has been filed and the matter is pending for committal.

5. Considering the facts and circumstances of the case, and the fact that there is no previous case pending as against the petitioner and 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 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 petitioner, on release from the prison, shall report before the trial 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 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/-
15/03/2021

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 METROPOLITAN MAGISTRATE NO.X,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE, सत्यमेव जयते
P-4, BASIN BRIDGE POLICE STATION,
CHENNAI.

+1CC to M/S. R.MURUGAN Advocate on payment of necessary
charges SR NO.3365

CRL OP.4317/2021

Date :15/03/2021

MK:16/03/2021