

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4730 of 2021

Sakthivel

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
(Crime No.20 of 2021)

... 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.20 of 2021 on the file of the respondent police.

For Petitioner : Mr. B.M.Santharam

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 18.01.2021 for the offence punishable under Sections 341, 294(b), 324, 307 & 506(ii) of IPC in Crime No.20 of 2021, seeks bail.

2. Totally there are 9 accused and the petitioner is arrayed as A5. The case of the prosecution is that due to previous enmity, the petitioner along with other accused waylaid the defacto complainant and attacked him with knife and caused serious injuries to him. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the the petitioner is no way connected with the offence. Since he is friend of A1, he has been falsely implicated in this case. He is in jail from 18.01.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that out of 9 accused, only 5 accused were arrested and four

of them are still absconding. Due to previous enmity, all the accused attacked the defacto complainant and caused serious injuries to him. She would further submit that injured has been discharged from the hospital and no previous case is pending as against the petitioner.

5. Considering the facts and circumstances of the case, and the fact that there is no specific overtact attributed as against the petitioner and there is no previous case pending as against the petitioner and also the fact that now injured has been discharged from the hospital 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 XVII Metropolitan Magistrate, Saidapet, 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 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/-
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 XVII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-5, CHoolaIMEDU POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.B.M.SANTHARAM Advocate on payment of necessary charges SR NO. 3350

WEB COPY

CRL OP.4730/2021

Date :15/03/2021

MN-16/03/2021