

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4962 of 2021

Ealiya @ Unnimodala Ealiya

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
B-2, Esplanade Police Station,
Chennai - 600 104.
(Crime No.7 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the case Crime No.7 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Dineshkumar

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 10.01.2021 for the offence punishable under Sections 341, 294(b), 307 and 506(ii) altered into 302 of IPC in Crime No.7 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is arrayed as A3. The case of the prosecution is that due to previous enmity between A1 and the deceased, on 09.01.2021, about about 9.00 p.m., while the defacto complainant and the deceased came in a motor cycle, all the accused waylaid them and A1 attacked the deceased with beer bottle and A2 attacked him with knife and caused serious injuries to him and thereafter, all of them escaped from the scene of occurrence. Hence, the complaint came to be registered. The allegation as against the petitioner is concerned, he has driven the motorcycle and helped A1 and A2 to escape from the scene of occurrence.

3. The learned counsel for the petitioner would submit that the main overtact has been attributed only as against A1 and A2, The only allegation as against this petitioner is that he has taken the accused persons in his motorcycle and helped them to escape from the scene of occurrence. He is in jail from 10.01.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing would submit that all the accused went to the scene of occurrence and attacked the deceased and caused serious injuries to him. The main overtact has been attributed as against A1 and a2. The petitioner has also present in the scene of occurrence. He only took both the accused in his motorcycle and flew away from the scene of occurrence. Now, investigation is almost completed.

5. From the perusal of the First Information Report, it could be seen that the main overtact has been attributed as against A1 and A2 and this petitioner, who is stated to be the friend of A1 and A2, came in a motorcycle with them and helped them to flee away from the scene of occurrence.

6. Considering the above said facts and circumstances of the case, 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 VII Metropolitan Magistrate, George Town, 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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
25/03/2021

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.VII,
GEORGE TOWN, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
B-2, ESPLANE POLICE STATION,
CHENNAI-600 104

+1CC to M/S.R.DINESHKUMAR Advocate on payment of necessary charges SR NO.4014

CRL OP.4962/2021

Date :25/03/2021