

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.5257 of 2021

Gowtham

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
(Crime No.11/2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending investigation in Crime No.11 of 2021 on the file of respondent.

For Petitioner : Mr.P.Vishnu

For Respondent : Ms.M.Prabhavathi

Additional Public Prosecutor

सत्यमेव जयते

ORDER

The petitioner who was arrested on 22.01.2021 and remanded to judicial custody for the offence under Sections 147, 148, 341, 294(b), 307 and 302 of I.P.C. in Cr.No.11 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused attacked the defacto complainant and the deceased with deadly weapons. The petitioner is arrayed as the eleventh accused in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated this case. He would further submit that the petitioner has been arrested as early as on 22.01.2021.

4.The learned Additional Public Prosecutor fairly conceded that there is no previous case pending against the petitioner.

5.Considering the period of incarceration undergone by the petitioner and the fact that there is no previous case pending against the petitioner, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on

his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, Chennai and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned 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]***; and;

M.DHANDAPANI,J.

pri
(f)if the accused thereafter absconds, a fresh FIR can be
registered under Section 229-A IPC.

07.04.2021

pri

Speaking Order/ Non Speaking Order

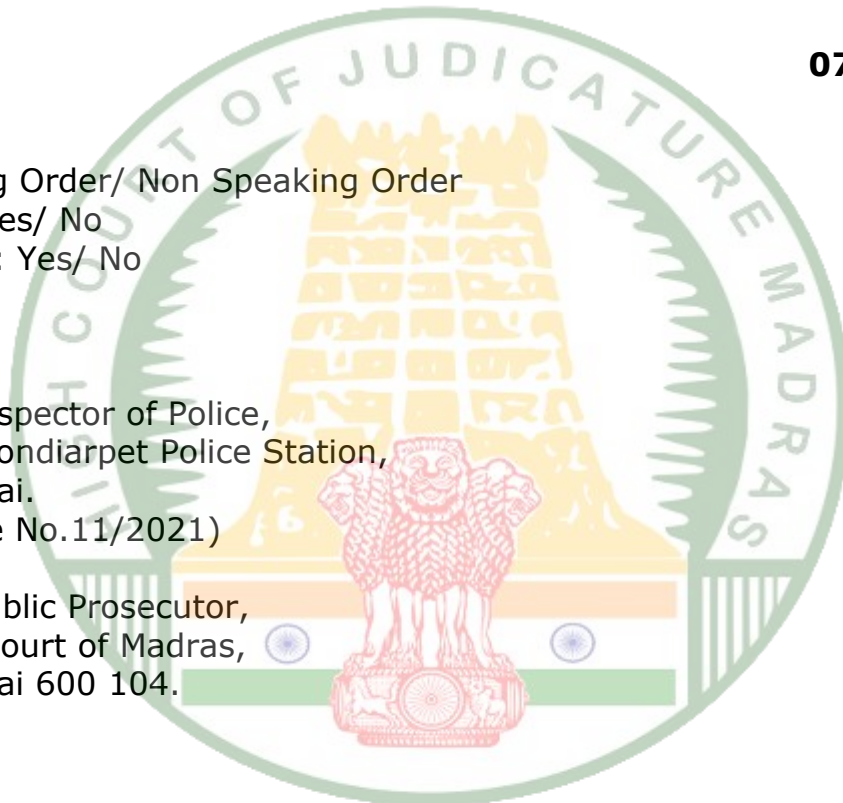
Index: Yes/ No

Internet: Yes/ No

To

1.The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
(Crime No.11/2021)

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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