

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.8198 of 2021

Arun Kumar @ Arun

.. Petitioner

Vs.

State represented by
Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
(Crime No.1037 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code praying to enlarge the petitioner on bail pending investigation in Crime No.1037 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Shankar

For Respondent : Mr.C.E.Pratap
G.A. (CrI.Side)

O R D E R

(The case has been heard through video conference)

The Petitioner/A1, who was arrested and remanded to judicial custody on 10.08.2020, for the offence punishable under Section 302 of IPC in Crime No.1037 of 2020, seeks bail.

2. The case of the prosecution is that due to previous enmity, on 06.08.2020, under the guise of conducting mediation, the petitioner along with other co-accused took the deceased and attacked him with knife and committed murder. Hence, the complaint came to be registered.

3. This is the second bail application. Earlier, this Court dismissed the bail application filed by the petitioner on 04.03.2021, considering the fact that the petitioner is a notorious rowdy element, he has nine previous cases pending against him and he was detained under Goondas Act twice.

4. The learned counsel appearing for the petitioner would submit that all the co-accused were arrested and released on bail except the petitioner/A1. He further submitted that the investigation is over, the final report has been filed and the matter is posed for appearance of the accused on 01.07.2021. He would further submit that the petitioner is in judicial custody since 10.08.2020. Hence, he seeks bail to the petitioner.

5. The learned Government Advocate (Crl.Side) strongly opposed the granting of bail to the petitioner. He submitted that the earlier bail application moved by the petitioner was dismissed by this Court on 04.03.2021, in Crl.O.P.No.2288 of 2021. He further submitted that the petitioner is a notorious rowdy element and he was detained under the Goondas Act twice and he is having nine previous cases.

6. Hear both sides.

7. Taking into consideration the facts and circumstances of the case, and the fact that all the other co-accused were granted bail, the matter is ripe for trial and the petitioner is in incarceration for nearly 10 months, 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) each with two sureties each for a like sum to the satisfaction of the learned XVI Additional Sessions Judge, 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 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 petitioners 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

(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/-
18/06/2021

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 XVI ADDITIONAL SESSIONS JUDGE,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

3 THE INSPECTOR OF POLICE,
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.SHANKAR Advocate on payment of necessary charges

CRL OP.8198/2021

MK:21/06/2021

Date :18/06/2021

WEB COPY