

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.8241 of 2021

1. Karthick ... Petitioners
2. Srinu @ Srinivasan
3. Muni @ Muniyandi
4. Sadhik @ Sadhik Basha

Vs.

State Inspector of Police, ... Respondent
Pallavaram Police Station,
Chengalpattu District.
(Crime No.116 of 2021)

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.116 of 2021 on the file of the respondent.

For Petitioner : Mr. S. Senthilvel

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 29.03.2021 and remanded to judicial custody for the offences under Sections 341, 294(b), 147,148,326 and 307 @ 506(ii) of I.P.C in Cr.No.116 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused waylaid the defacto complainant and his associates, abused them with filthy language, assaulted with knife and caused grievous injuries and due to that the middle-finger of the victim kamesh was amputated. Hence, the law enforcing agency registered a case against the petitioner and other accused.

3. The learned counsel for the petitioners submits that the petitioners are in no way connected with the offence and that the petitioners have been in jail from 29.03.2021. On instructions, he **further submits that the petitioners, without prejudice to their defence and contentions, are ready to deposit a sum of Rs.60,000/=**

(Rupees sixty Thousand only) jointly to the credit of crime no.116 of 2021 and on such deposit the same can be disbursed to the victim. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the defacto complainant and his associates, abused the petitioner with filthy language, assaulted with knife and caused grievous injuries and due to that the middle-finger of the victim kamesh was amputated. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that the investigation is almost completed and also considering the period of incarceration suffered by the petitioners and also the voluntary undertaking of the petitioners to deposit a sum of Rs.60,000/- (Rupees sixty Thousand only) in the name of the victim, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. The petitioners are 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 each, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II at Tambaram** and on further condition that:

(a) The petitioners jointly shall deposit a sum of Rs.60,000/- to the credit of Crime No. **116 of 2021** and necessary acknowledgement shall be filed at the time of release on bail before the **Judicial Magistrate No.II at Tambaram** and the **said amount shall be disbursed to the victim.**

(b) 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;

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

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-
30/04/2021

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 JUDICIAL MAGISTRATE,
NO.II, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLAVARAM POLICE STATION,
CHENGALPATTU DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II, CHENNAI.

+1 CC to M/S S.SENTHILVEL Advocate on payment of necessary
charges SR.NO.5620

CRL OP.8241/2021

Date :30/04/2021

WEB COPY

TA-03/05/2021