

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8499 of 2021

Madhavan

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
P-2, Otteri Police Station,
Otteri, Chennai.
(Crime No.289 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.289 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.Charles Premkumar,
Government Advocate

ORDER

(The case has been heard through video conference)

Heard the learned Counsel on either side.

2.The Petitioner is in custody since 09.04.2021 for the offences under Sections 147, 148 and 302 of IPC in Crime No.289 of 2021.

3. There are totally seven accused in this case. The petitioner is figuring as 5th accused. The overt act attributed to the petitioner is that he brought the accused in a vehicle and left the scene and thereafter, the occurrence had taken place. The petitioner is aged about 19 years and he is not having any previous cases.

4. Even though, the learned Government Advocate (Crl. Side) opposes grant of bail by pointing out that the investigation is still pending, considering the age and the nature of overt act attributed to the petitioner, I am of the view that his further incarceration may not serve any purpose. Hence, bail is granted 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 X Metropolitan Magistrate, Egmore, 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 respondent police every day at 10.30 a.m. for a period of eight weeks and thereafter as and when required for interrogation;

(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; and

(i) the learned Counsel for the petitioner shall give an undertaking that he will not apply for relaxation of any condition.

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

-sd/-

05/05/2021

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.X, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
P-2 OTTERI POLICE STATION,
OTTERI, CHENNAI.

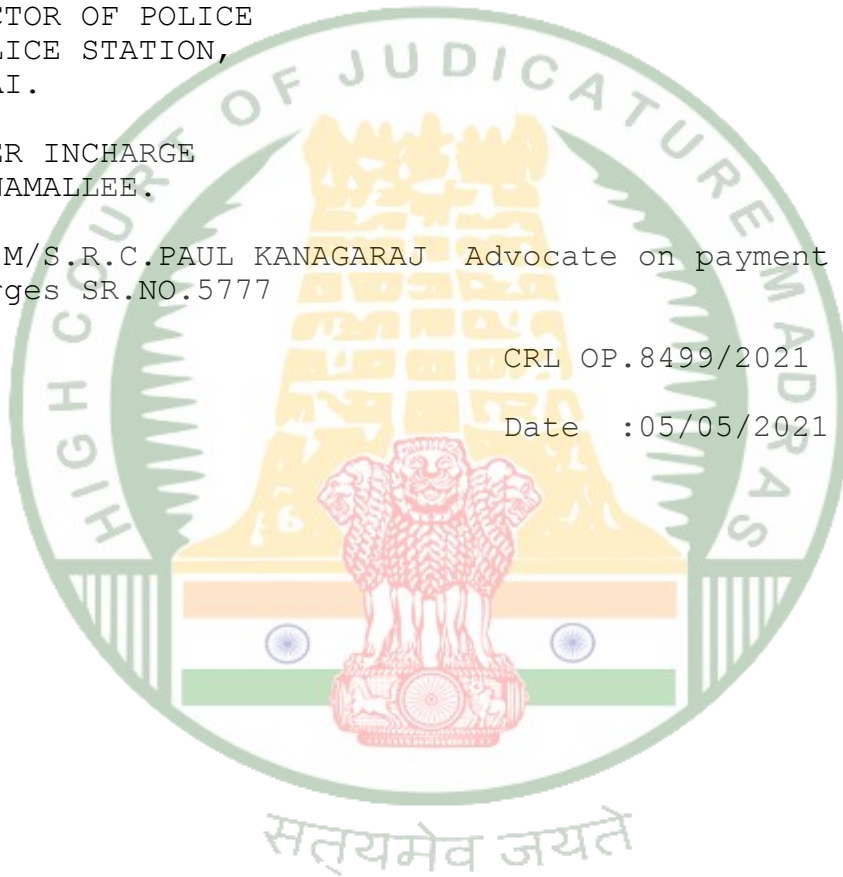
5 THE OFFICER INCHARGE
SUB JAIL, POONAMALLEE.

+1 CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges SR.NO.5777

CRL OP.8499/2021

Date :05/05/2021

TA-06/05/2021



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