

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

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

Crl.O.P.Nos.8539 and 8893 of 2021

Kittu Poonai @ Siva @ Sivakumar

... Petitioner in Crl.O.P.Nos.8539/2021

S.Aravind

.... Petitioner in Crl.O.P.Nos.8893/2021

Vs.

The State Rep by Respondent in both petitions
T-4 Madurvoyal Police Station
Maduravoyal, Chennai 600 095.
Crime No.111/2021

PRAYER in Crl.O.P.No.8539/2021: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.111/2021 on the file of the respondent Police.

PRAYER in Crl.O.P.No.8893/2021: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner / All is arrested on 02.03.2021 by the respondent Police in connection with Crime No.111/2021 on the file of the respondent Police.

For Petitioners: Mr.J.B.Solmon Peter Kamal doss
in Crl.O.P.No.8539/2021

For Petitioners: Mr.A.Vijayasankar
in Crl.O.P.No.8893/2021

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)
in both petitions

COMMON ORDER

(The case has been heard through video conference)

Heard by the learned counsel on either side.

2. The petitioners are figuring as A6 and A11 in Cr.No.111 of 2021, registered on the file of the respondent for the offence under Sections 147, 148 and 302 IPC.

3. The case of the prosecution is that it is a case of revenge murder and the accused A6 was surrendered on 04.03.2021, while A11 was arrested on 02.03.2021. The investigation appears to be almost completed. The petitioners are not having any previous case.

4. Be that as it may, in view of the fact that the petitioners are in incarceration since March 2021, I am of the view that the continued incarceration of the petitioners is not necessary and hence, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) (i) Accordingly, the petitioner / A6 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 Judicial Magistrate-II, Thiruvallur,

(ii) and the petitioner / A11 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 Judicial Magistrate-II, Poonamalle, 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) (i) the petitioner / A6, on his release from prison, shall report before the Inspector of Police, Dindivanam Police Station, Dhindivanam, every day at 10.30.a.m for a period of four(4) weeks;

(ii) the petitioner / A11, on his release from prison, shall report before the respondent Police every day at 10.30.a.m for a period of four(4) weeks

(d) the petitioners shall not apply for any relaxation or modification of the condition imposed by this Court;

(e) the petitioners shall not commit any offences of similar nature;

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

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

(h) 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)AIR SCW 5560];

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

5. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

06/05/2021

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 JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
T-4 MADURVOYAL POLICE STATION,
MADURAVOYAL, CHENNAI-600 095.

6 THE INSPECTOR OF POLICE,
DINDIVANAM POLICE STATION,
DHINDIVANAM.

7 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAL.

+1 CC to M/S.J.B.SOLOMON PETER KAMAL DO Advocate on payment of necessary charges SR.NO.5843

CRL OP.8539 & 8893/2021

Date :06/05/2021