

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

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

Crl.O.P.No.8841 of 2021

Vijayan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
E-5, Sholavaram,
Thiruvallur,
(Crime No.253 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.253 of 2021 on the file of the Respondent Police.

For petitioner : Mr.V.Bhagyaraj

For Respondent : Mr.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is figuring as 6th accused. The petitioner is implicated for the offences under Sections 147, 148, 294(b), 324, 506(ii) and 307 @ 302 of IPC, on the file of the respondent Police.

3.The learned Government Advocate would oppose the grant of bail by pointing out that the accused formed a group and attacked and killed the deceased. I wanted to know whether the petitioner is having any previous case. It is stated that the petitioner is not having any previous case.

4.Learned counsel for the petitioner gives an undertaking that the petitioner will not apply for any modification or relaxation of the conditions.

5. Though the investigation is still pending, taking note of the period of incarceration of the petitioner this Court is inclined to grant bail. Accordingly, 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Ponneri, and on further conditions that:

(b) the petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m. for a period of eight weeks.

(c) 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;

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

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

(f) 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];

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

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

-sd/-

06/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM, THIRUVALLUR.

4 THE JAIL SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAL, CHENNAI.

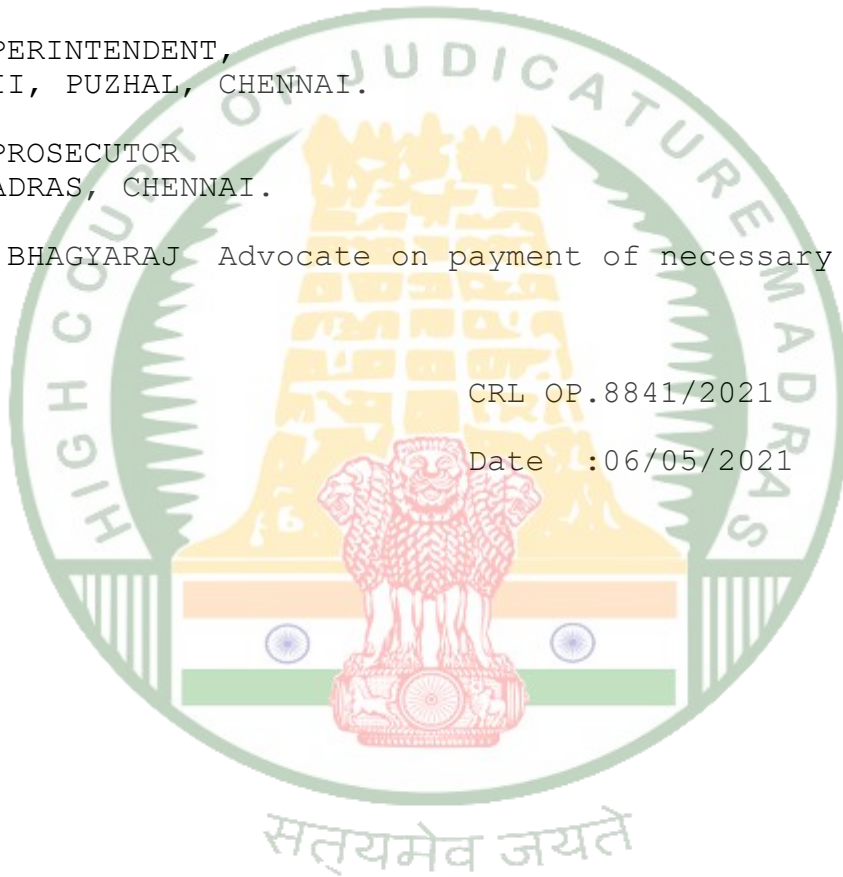
5 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI.

+1 CC to V.BHAGYARAJ Advocate on payment of necessary charges
SR.No. 5975

CRL OP.8841/2021

Date :06/05/2021

RG.07.05.2021



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