

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.9148 of 2021

Rathina Ganesh @ Appu

.. Petitioner

Versus

The State,
Rep., by Inspector of Police,
M-3, Puzhal Police Station,
(Crime.No.113/2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in Crime No.113/2021 pending investigation on the file of the Inspector of Police, M-3, Puzhal Police Station, Chennai.

For Petitioner : Mr.N.Srinivasa Raghavan

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested on 09.04.2021 for the offences punishable under Section 174 Cr.P.C, altered to Section 302 IPC in Crime No.113/2021, on the file of the respondent police, seeks bail.

2. It is seen from the submission that in a quarrel in the wine shop, the deceased said to have been attacked by the petitioner and the 1st accused on 08.04.2021 and that attack resulted in death of the deceased.

3. The learned counsel appearing for the petitioner submitted that there is no specific overtact alleged against the petitioner, who is second accused in this case. The first accused was already granted bail in Crl.O.P.No.8583 of 2021. Therefore, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor opposed this petition, but conceded that the first accused was already granted bail.

5. Taking note of the facts and circumstances, otherwise the murder of the deceased that had happened and the fact that the first accused was already granted bail, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on each of them executing 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 District Munsif cum Judicial Magistrate, Madhavaram, Thiruvallur District, and on further condition that:

- a) 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.
- b) the petitioner shall report before the respondent police daily at 10.30 am. and 5.00 p.m, until further orders.
- c) the petitioner shall not abscond either during investigation or trial.
- d) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- e) 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].
- f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

13/05/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADHAVARAM,
THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
M-3, PUZHAL POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

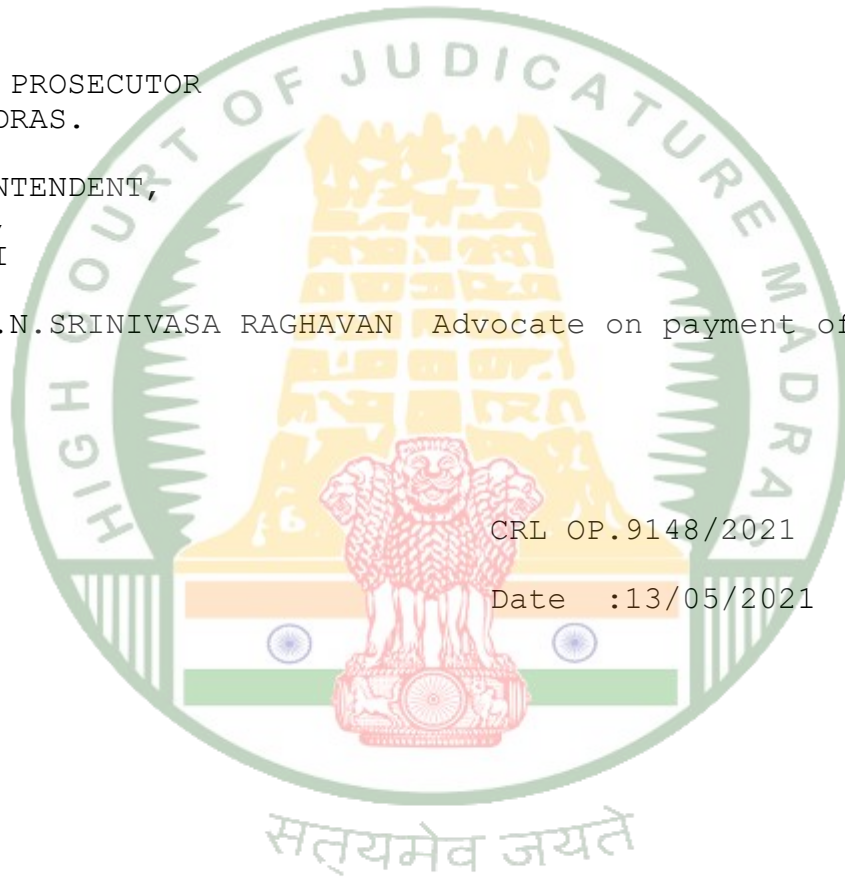
5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI

CC to M/S.N.SRINIVASA RAGHAVAN Advocate on payment of necessary
charges

CRL OP.9148/2021

Date :13/05/2021

RVR 17/05/2021



WEB COPY