

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Date : 13.05.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP. No.9144 of 2021

Sathish Kumar ... Petitioner/Accused No.1

vs

State Rep. By
Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai.

Crime No.56 of 2021. ... Respondent/Complainant

For Petitioner : M/s.M.Kaveriselvam Advocate.

For Respondent : Mr.S.Karthikeyan Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the Petitioner on bail in Crime No.56 of 2021 on the file of the respondent police.

ORDER

The petitioner, who was arrested on 08.04.2021 for the offences punishable under Sections 307 IPC in Crime No.56 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused and the victim are friends and they are partners in commission of crime. When they were tried to share their booty especially a mobile phone, the victim wanted the costliest cell phone, which resulted in the incident, in which the deceased has suffered injuries.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is in judicial custody from 08.04.2021 and he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that the victim is suffers grievous injuries and he is still taking treatment for his eyes on day-to-day basis.

5. Taking note of the facts and circumstances of the case, the manner of the incident happened and also the fact that the petitioner is in judicial custody from 08.04.2021, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is 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 for a like sum to the satisfaction of the learned XVI Metropolitan Magistrate, George Town, Chennai 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., 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 XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
N-4, FISHING HARBOUR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

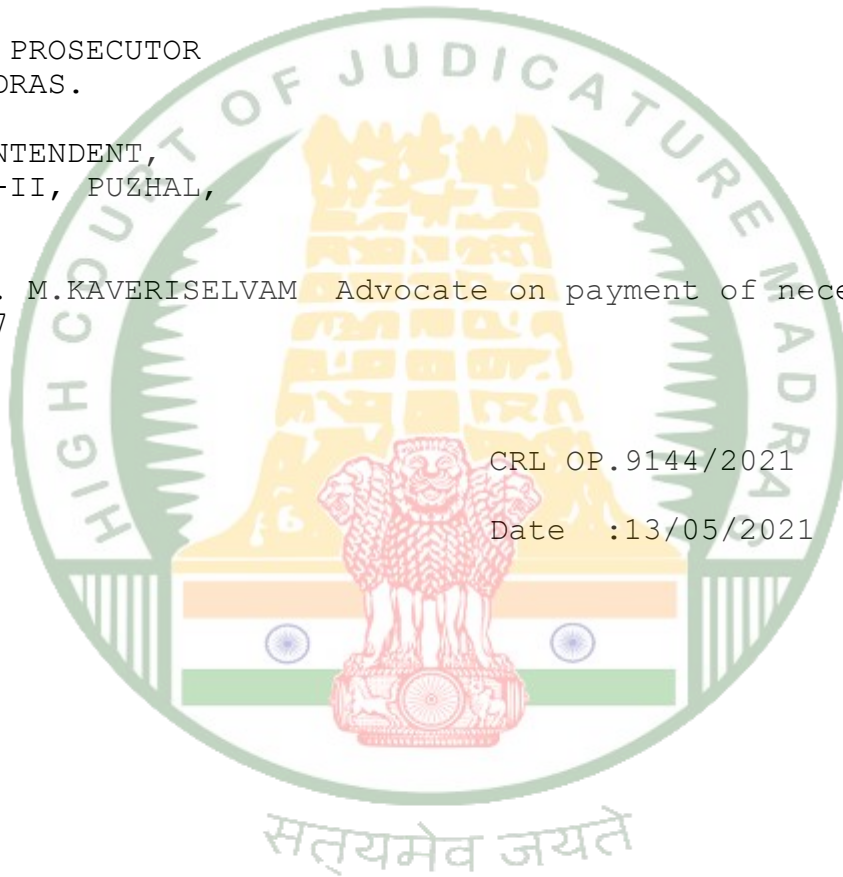
5 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAI,
CHENNAI

CC to M/S. M.KAVERISELVAM Advocate on payment of necessary
charges Sr.6147

CRL OP.9144/2021

Date :13/05/2021

RVR 17/05/2021



WEB COPY