

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CRL.OP.No.9273/2021

1. Naveenraj
2. Jaiyson @ Joyson
3. Kuttyappa @ Selvam

.. Petitioners

Versus

State, represented by
The Inspector of Police
E-5, Sholavaram Police Station,
Thiruvallur District.
(Crime No.253 of 2021)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in Crime No.253 of 2021, on the file of the Inspector of Police, E-5, Sholavaram Police Station, Thiruvallur District.

For Petitioners	:	Mr.Sundaramahaligam For M/s. P.Chandrasekar
For Respondent	:	Mr.E.Rajthilak Government Advocate (Crl.Side)

सत्यमेव जयते
ORDER

The petitioners, who were arrested on 29.03.2021 for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) 307 I.P.C @ Section 302 of IPC in Crime No.253 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous enmity, on the date of occurrence, the accused attacked the defacto complainant and his friend one Sathish with a knife. As a result of which, Sathish died instantaneously. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and that the defacto complainant also attacked the petitioners with wooden log and that they are in judicial custody from 20.03.2021 and seeks bail for the petitioners.

4.The learned Government Advocate(Crl. Side) submits that that the co-accused/A6 has already been released on bail by this Court in Crl.O.P.No.8841 of 2021 and that investigation is still pending and prays for dismissal of this petition.

5.Considering the period of incarceration of the petitioners and also the present COVID - 19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:

- (a)The petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent, Central Prison, Puzhal, and thereafter on their release;
- (b)the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.II, Ponneri, within 15 days from the commencement of the Court's normal functioning, failing which, the bail granted by this Court shall stand cancelled automatically;
- (c)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.
- (d)the petitioners shall report before the respondent police daily at 10.30 am., until further orders.
- (e)the petitioners shall not abscond either during investigation or trial.
- (f)the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (g)On breach of any of the aforesaid conditions, the learned 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 himself 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.

-sd/-
19/05/2021

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, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S. P.CHANDRASEKAR Advocate on payment of necessary charges

सत्यमेव जयते

WEB COPY

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Date :19/05/2021

cs 24/05/2021