

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No.9321 of 2021

1.E.Nandhakumar
2.P.Kishore Kumar

... Petitioners

Vs.

The State,
Rep. by the Inspector of Police,
E-1 Mylapore Police Station,
Mylapore,
Chennai - 600 004.

.... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners/Accused on bail in Crime No.141 of 2021, pending investigation on the file of the Respondent.

For Petitioner : Mr.V.Karthick

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioners who were arrested on 06.03.2021 and remanded to judicial custody for the offences under Section 302 of I.P.C in Cr.No.141 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners herein had assaulted an insane person before the ATM and that the victim was taken to the hospital and that the victim succumbed to the injuries in the hospital. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioners are in no way connected with the alleged offence and that they have been falsely implicated in this case and the petitioners have been in jail from 06.03.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the petitioners herein had assaulted an insane person before the ATM and based on the video footage available in the ATM, the petitioners were secured. The victim succumbed to the injuries in the hospital. The charge sheet has been filed in PRC.No.27 of 2021 on the file of the XVII Metropolitan Magistrate Court, Saidapet.

5. Considering the period of incarceration suffered by 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 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Puzhal Jail, Chennai in which the petitioners are confined and on such execution the petitioners shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned XVII Metropolitan Magistrate Court, Saidapet. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioners is not able to execute bond within the specified time, the petitioners shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Votor ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned XVII Metropolitan Magistrate, Saidapet.

(c) The petitioners shall report before the XVII Metropolitan Magistrate Court, Saidapet on the first working day of every month and subsequently, as per the directions of the XVII Metropolitan Magistrate Court, Saidapet, till the case is committed for sessions.

(d) After the lockdown restrictions are raised, normal time is restored, the petitioners shall abide by the following conditions imposed by this Court. The petitioners shall not interfere, influence or cause hindrance to the pending investigation.

(e) the petitioners shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond 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]; and;

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

-sd/-
26/05/2021

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 METROPOLITAN MAGISTRATE
NO.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
PUZHAL JAIL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
E-1 MYLAPORE POLICE STATION,
MYLAPORE, CHENNAI-600 004.

CC to M/S.K.BOMMURAJ Advocate on payment of necessary charges

CRL OP.9321/2021

Date :26/05/2021

cs 28/05/2021