

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CRL.OP.No.9348/2021

1. Suriya @ Kerala Suriya
2. Suiya @ Vella Suriya

.. Petitioners

Versus

The Inspector of Police
N-4, Fishing Harbour Police Station,
Chennai.
(P.R.C. No.54 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 P.R.C. No.54 of 2021 on the file of the Inspector of Police, N-4, Fishing Harbour Police Station, Chennai.

For Petitioners : Mr.Mukesh Kannah
For M/s.M.Nithiyavel
For Respondent : Mr.E.Rajthilak
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested on 29.01.2021 for the offences punishable under Sections 147, 148, 341 and 302 IPC in P.R.C.No.54 of 2021 in Crime No.15 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 29.01.2021, at about 9.30 a.m., the defacto complainant's son one Narayanan was brutally attacked by the petitioners and one Ellappan with knife, due to which, the victim sustained greivious injury on his head and face and as a result, the victim died.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and that they are in judicial custody from 29.01.2021 and seeks bail for the petitioners.

4.The learned Government Advocate(Crl. Side) submits that the petitioners are arrayed as A3 and A5 and that the second petitioner/A5 has one previous case of similar nature against him and prays for dismissal of this petition.

5.Considering the period of incarceration 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 - II 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 XVI M.M.George Town, Chennai, within a period of 15 days from the commencement of the Court's normal functioning, failing which, the bail granted by this Court shall stand dismissed 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].

(h) 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 METROPOLITAN MAGISTRATE
NO.XVI, GEORGE TOWN, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI-II.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

सत्यमेव जयते

CRL OP.9348/2021

Date :19/05/2021

cs 24/05/2021

WEB COPY