

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.9605 of 2021

Arun

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
R-3, Ashok Nagar Police Station,
Chennai.
(Crime No.59 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in pending R-3, Cr.No.59/2021 on the file of the respondent.

For Petitioner : Mr.S.Raj

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

ORDER

The petitioner who was arrested on 09.03.2021 and remanded to judicial custody for the offences under Section 147, 148, 449, 324, 302 IPC in Cr.No.59 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 and A3 are brothers and that their father was murdered in the year 2012 by the deceased Sivakumar and in order to take revenge, A1 to A15 jointed together and committed murder of the victim. This petitioner has been arrayed as A7.

3. The learned counsel for the petitioner submitted that the petitioner himself surrendered before the learned Judicial Magistrate No.I, Cuddalore and the petitioner has been in jail from 09.03.2021. He would further state that this petitioner is only the friend of A1 and that he has not committed any offence as alleged by the

prosecution and that only based on the confession of A1, this petitioner has been implicated. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that A1 and A3 are brothers and that their father was murdered in the year 2012 by the deceased Sivakumar and in order to take revenge, A1 to A15 jointed together and committed murder of the victim. This petitioner has been arrayed as A7. He further added that the investigation is still pending.

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

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Puzhal Prison, Cuddalore in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner 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 M.M.Saidapet, Chennai. 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 petitioner is not able to execute bond within the specified time, the petitioner 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 M.M.Saidapet, Chennai

(c) the petitioner shall stay at Cuddalore and report before the Inspector of Police, Cuddalore Town Police Station daily at 10.30 a.m., until further orders.

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

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

(f)the petitioner 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 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]; 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,
CENTRAL PUZHAL PRISON,
CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
R-3 ASHOK NAGAR POLICE STATION,
CHENNAI.

6 THE JUDICIAL MAGISTRATE
NO.I, CUDDALORE.

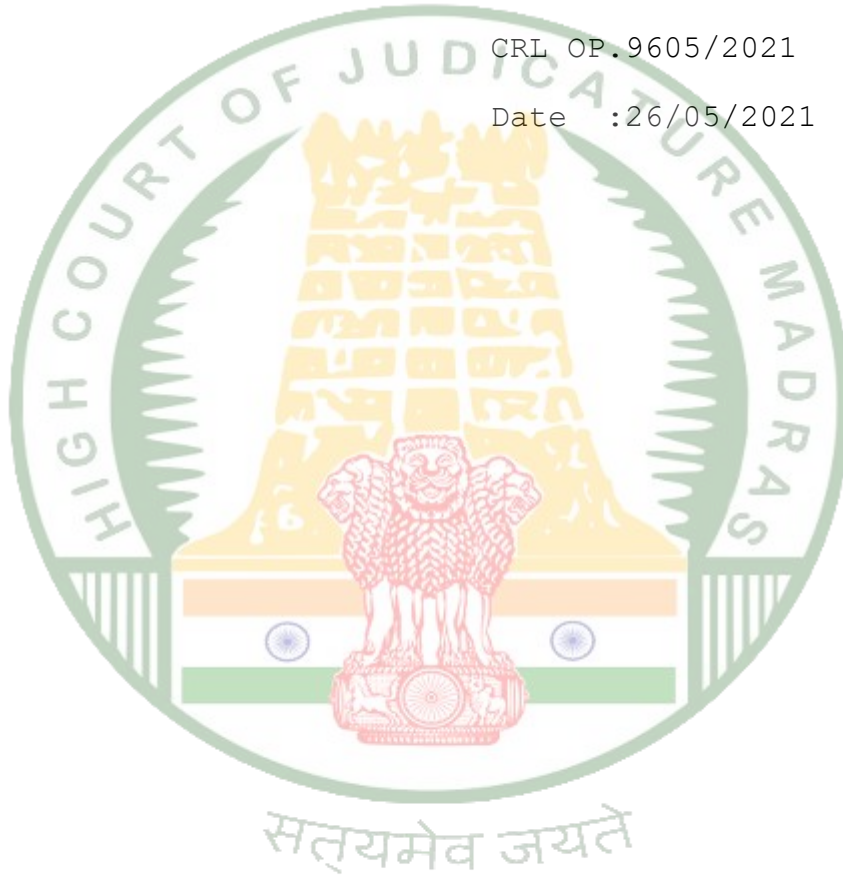
7 THE INSPECTOR OF POLICE,
CUDDALORE TOWN POLICE STATION,
CUDDALORE.

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

CRL OP.9605/2021

Date :26/05/2021

cs 28/05/2021



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