

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10537 of 2021

Thuknashagu @ Thukunasahu

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai 600 118.
Crime No.294 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 connection with the case in Cr.No.294 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Guruprasad

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

ORDER

The petitioner, who was arrested on 26.03.2021 and remanded to judicial custody for the offence under Section 302 IPC in Cr.No.294 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the accused were construction workers. When the deceased along with his friends was consuming liquor in the place of construction, it was questioned by the petitioner, which resulted in a wordy quarrel between them and in the resultant fight, over the said incident, the petitioner attacked the deceased with brick and caused his death. On receiving information through a phone call, the defacto complainant has lodged a complaint before the respondent Police.

3. The learned counsel for the petitioner submitted that the petitioner and the deceased were relatives and they belong to Orissa and they came to Chennai for doing construction works. He further submits that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 26.03.2021.

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 the petitioner had brutally murdered the deceased due to enmity and the investigation is almost completed.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and further investigation is also almost completed, 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 Prison, Puzhal-I in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned X Metropolitan Magistrate, Egmore;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

(e) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;

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

-sd/-

17/06/2021

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.X,
EGMORE, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-I,
CHENNAI.

4 THE INSPECTOR OF POLICE, सत्यमेव जयते
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI-600118.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S M.GURUPRASAD Advocate on payment of necessary charges SR NO.6569

CRL OP.10537/2021

Date :17/06/2021

MK:18/06/2021