

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11330 of 2021

Sujith @ Sujith Sarkar @ Sujith Singha

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
J-9, Thoraippakkam Police Station,
Thoraippakkam,
Chennai 600 097.
(Crime No.47 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.47 of 2021 on the file of the respondent police.

For Petitioner : Dr.G.Krishnamurthy

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

ORDER

The petitioner who was arrested on 10.04.2021 and remanded to judicial custody for the offences under Section 174 Cr.P.C subsequently altered as 302 and 379 of IPC in Cr.No.47 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that both the petitioner and the deceased are the native of West Bengal and are working under same construction company (mason) and are residing in the same room, in order to steal the mobile phone of the deceased, the petitioner had murdered his own room mate. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 10.04.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that the investigation has been completed and the charge sheet has also been filed.

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 Prison II, Puzhal, Chennai 600 066**, 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, one surety shall be a local surety and other one is Government surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Alandur.

(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/-
02/07/2021

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, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-9, THPRAIPPAKKAM POLICE STATION,
THORAIPPAKKAM,
CHENNAI-600 097.

5 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAI, CHENNAI.

+1 CC to M/S.G.KRISHNAMURTHY Advocate on payment of necessary charges SR.NO.7006

सत्यमेव जयते CRL OP.11330/2021

Date :02/07/2021

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