



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11371 of 2021

WEB COPY

1. Ajith @ Manikandan

S/o.Hari

2. Mukesh

S/o. Harikrishnan

3. Julie @ Vivek

S/o Velayutham

4.Vinoth @ Vinothkumar

S/o. Palayam

.. Petitioners

Vs.

State Rep. by

The Inspector of Police,
Pattabiram Police Station,
Thiruvallur District.

Crime No.479 of 2021.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail pending investigation in Cr.No.479 of 2021 pending on the file of the respondent police.

For petitioners : Mr.R.Sasikumar

For Respondent : Mr.C.E. Pratap

Government Advocate (Criminal Side)

ORDER

The petitioners who were arrested on 15.06.2021 and remanded to judicial custody for the offences under Sections 147, 148, 324, 302 and 506(ii) of IPC, in Crime No.479 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners in a drunken mood assaulted and pushed the deceased who fell down and died. Based on the complaint given by the mother of the deceased, the law enforcing agency registered a case against the petitioners.



3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 15.06.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submitted that the petitioners have involved in group attack and caused serious injuries to the deceased. He further submits that there is one previous case pending against the first petitioner/A1/Ajith. However, he vehemently opposed for the grant of bail to the petitioners.

6. Considering the facts and circumstances of the case that there is one previous case is pending against the first petitioner/A1, this Court is not inclined to grant bail to the first petitioner and this petition is dismissed with regard to first petitioner. Considering the period of incarceration suffered by the second/A2, third/A3 and fourth/A4 petitioners this Court is inclined to grant bail to the petitioners with following conditions:

7. Accordingly, the second, third and fourth petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thiruvallur, and on further condition that:

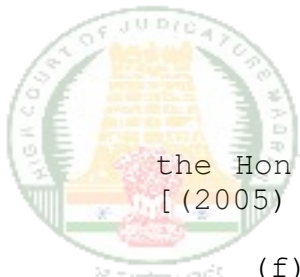
(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the second, third and fourth petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders.

(c) the second, third and fourth petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the second, third and fourth petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second, third and fourth 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;

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

-sd/-
04/08/2021

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PATTABIRAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
S.R. NO. 8174

CRL OP.11371/2021

Date :04/08/2021

JPA 05/08/2021