



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12236 of 2021

Santhosh

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
T-6, Avadi Police Station,
Thiruvallur District.
Crime No.577 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.577 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Ganesh

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

The petitioner, who was arrested on 16.06.2021 and remanded to judicial custody for the offence under Sections 147, 148, 341, 323 and 302 IPC in Cr.No.577 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the father of the deceased and he has given complaint before the respondent Police stating that when the deceased and his friends consuming alcohol in the College ground, it was questioned by the petitioner and his friends. Due to which there was a wordy quarrel between them. Later the petitioner along with five of his friends, waylaid the deceased and his friends while they were riding bike and assaulted indiscriminately and fled away from the scene of occurrence and thereby, his son was died. Based on the complaint of the father of the deceased, the petitioner was arrested and remanded to judicial custody.

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 16.06.2021. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that the petitioner has involved in group attack and caused serious injuries to the deceased and further there is no previous case pending against the petitioner and the investigation is almost completed.

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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 Jailer, Sub-Jail, Thiruvallur, 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 Judicial Magistrate No.II, Poonamallee;.

(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**



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

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-sd/-
15/07/2021

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-6, AVADI POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, THIRUVALLUR.

CC to S/O J.GANESH Advocate on payment of necessary charges

CRL OP.12236/2021

Date :15/07/2021

TA-16/07/2021