



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.12350 of 2021

P.Sai Adith

.. Petitioner

Vs.

The State Rep. by
The Inspector of Police,
T-9 Pattabhiram Police Station,
Pattabhiram.

.. 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 Cr.No.479 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.K.Elangovan

For Respondent : Mr.C.E. Pratap
Government Advocate (Criminal Side)

ORDER

The petitioner who was arrested on 15.06.2021 and remanded to judicial custody for the offences under Sections 147, 148, 324, 506 (ii) and 302 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 petitioner along with other accused persons 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 petitioner.

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 15.06.2021. He further submits that co-accused have already been released on bail by this Court in CrI.O.P.No.11371 of 2021 dated 04.08.2021. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused persons have involved in group attack and caused serious injuries to the deceased. He further submit that there is no previous case pending as against the petitioner. However, he vehemently opposed for the grant of bail to the petitioner.

5. Considering the fact that co-accused have already been released on bail by this Court and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of 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, 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders.

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

(d) the 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 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;

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

-sd/-

05/08/2021

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.



1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI.

4 THE INSPECTOR OF POLICE,
T9, PATTABHIRAM POLICE STATION,
PATTABHIRAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.ELANGO VAN Advocate on payment of necessary
charges SR.NO.8180

CRL OP.12350/2021

Date :05/08/2021

RW 06/08/2021