



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12907 of 2021

1. Umapathy ... Petitioners
2. Yuvaraj
3. Karthik @ Vishnu

Vs.

State by ... Respondent
Inspector of Police,
T6-Avadi Police Station,
Chennai.
(Crime No.577 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.577 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.Sasikumar

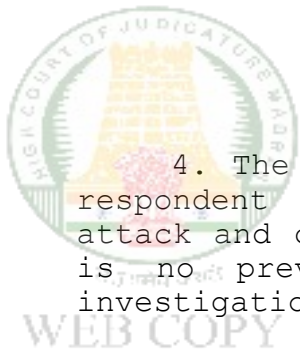
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners who were arrested on 17.06.2021 and remanded to judicial custody for the offences under Sections 147, 148, 341, 323, 302 IPC, in Crime .No.577 of 2021 on the file of the respondent police, seek 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 petitioners and his friends. Due to which there was a wordy quarrel between them. Later the petitioners along other accused persons had 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. Hence, the complaint.

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 17.06.2021. He further submits that co-accused had already been granted bail by this Court in Crl.O.P.No.12236 of 2021 dated 15.07.2021. Therefore, he prays to grant bail to the petitioners.



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

5. Considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Poonamallee, 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioners 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 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/-
29/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



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,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S S.SASIKUMAR Advocate on payment of necessary
charges SR.NO.7877

CRL OP.12907/2021

Date :29/07/2021

TA-30/07/2021