



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13378 of 2021

Sankar, M/A 61 years,  
S/o.Allimuthu

... Petitioner

Vs.

State rep by  
The Inspector of Police,  
Sankarnagar Police Station,  
Chennai.  
(Crime No.407 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.407 of 2021 on the file of respondent police.

For Petitioner : Mr.R.Sasikumar

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

#### ORDER

The petitioner who was arrested on 22.06.2021 and remanded to judicial custody for the offences under Sections 294(b), 307, 302 and 506(ii) of IPC in Crime No.407 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a previous enmity between the petitioner and the deceased, as a result of which, the petitioner along with other accused persons had murdered the deceased with deadly weapons and caused his death on the spot. 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 22.06.2021. He further submits that he filed a bail petition in Crl.M.P.No.3248 of 2021 before the Principal Sessions Judge, Kanchipuram District at Chengalpattu and the same was dismissed on 26.07.2021. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that the period of incarceration suffered by the petitioner and there is no specific overt act attributed against this petitioner and only available in the scene of occurrence, this Court is inclined to grant bail to the petitioner with certain 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 Judicial Magistrate No.II, Tambaram 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 petitioner 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/-

03/08/2021

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, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPAT [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
SANKARNAGAR POLICE STATION,  
CHENNAI.

4 THE SUPERINTENDENT,  
CENTRAL PRISON,  
PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S R.SASIKUMAR Advocate on payment of necessary  
charges S.R. NO. 8095

CRL OP.13378/2021

Date :03/08/2021

JPA 04/08/2021