



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13565 of 2021

Deepak

.. Petitioner

Vs.

The State Rep by,
Inspector of Police,
Minjur Police Station,
Chennai.
Cr.No.04 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 Crime No.04 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Udhayakumar

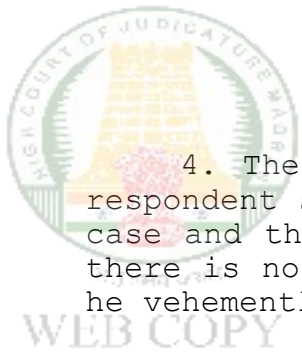
For Respondent : Mr.C.E. Pratap
Government Advocate (Criminal Side)

ORDER

The petitioner who was arrested on 09.06.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b), 342, 342, 307 and 506(2) of IPC now altered as 147, 148, 294(b), 342, 324, 506(2), 302 and 120B of IPC, in Crime No.04 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity, between the petitioner and the defacto complainant's husband, as a result of which, the petitioner along with other accused persons had brutally attacked and assaulted the defacto complainant's husband and caused injuries all over the body, thereafter, admitted in the Stanley hospital, he died. 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 09.06.2021. He further submits that co-accused had already been granted bail by this Court in Cr1.O.P.No.13137 of 2021 dated 29.07.2021. Therefore, he prays to grant bail to the petitioner. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there are totally 11 accused involved in this case and the petitioner is arrayed as All. He further submits that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that co-accused had already been released on bail and the period of incarceration suffered by the petitioner and there is no previous case pending as against the petitioner, 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 the **learned Judicial Magistrate No.II, Ponneri**, 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/-
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, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MINJUR POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.P.UDHAYAKUMAR Advocate on payment of necessary
charges SR.NO.8158

CRL OP.13565/2021

Date :04/08/2021

TA-05/08/2021