



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14352 of 2021

1. B. Surendar
2. M. Venkatesh

... Petitioners

Vs.

State rep by its,
The Inspector of Police,
J9, Thuraipakkam Police Station,
Chennai.
(Crime No.549 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail in Crime No.549 of 2021 on the file of the respondent.

For Petitioners : Mr.S. Santosh

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 27.06.2021 for the offences under Sections 302 of IPC, in Crime No.549 of 2021, on the file of the respondent police, seek bail.

2. Totally there are six accused in this case and the petitioners herein arrayed as A4 and A5. The case of the prosecution is that the deceased worked under A1 and he failed to pay the collection amount, hence the petitioners along with other accused murdered the deceased by brutally assaulting him. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are not involved in the offence and they have been falsely implicated in this case. He further submits that the main over act is against A1 and A2 and these petitioners who are A4 and A5 have nothing to do with the alleged offence and they are in jail from 27.06.2021. Hence he prays for grant of bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners along with other accused murdered the deceased by brutally assaulting him. Hence , he vehemently opposed for grant of bail to the petitioners.

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5. Considering the fact that there is no specific over act against these petitioners and 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, Alandur* 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/-
27/08/2021

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
J9, THURAIPAKKAM POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.SANTOSH Advocate on payment of necessary charges

CRL OP.14352/2021

Date :27/08/2021

CSK 31/08/2021