



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15189 of 2021

Suresh

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Neelankarai Police Station,
Chennai District.
(Crime No.567 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending investigation in Crime No.567 of 2021 on the file of the respondent police.

For Petitioner : Mr.I.Periaswamy

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 15.06.2021 for the offence under Sections 341, 294(b), 307 and 506(2) of I.P.C. altered to Sections 341, 294(b), 302 and 506(2) of I.P.C. in Crime No.567 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the accused and the deceased were playing cards and thereafter wordy quarrel arose and the deceased left the place and thereafter the petitioner along with the other accused is alleged to have committed murder of the deceased.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that there is no specific overtact as against the petitioner.



4.The learned Government Advocate (Criminal Side) submitted that the petitioner is alleged to have caught hold of the deceased and thereby facilitated the other accused to commit murder.

5.Considering the fact that there is no specific overtact as against the petitioner and the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate - 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 petitioner shall report before the respondent police, daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(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 petitioners 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/-

25/08/2021

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-II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NEELANKARAI POLICE STATION,
CHENNAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.15189/2021

Date :25/08/2021

CSK 26/08/2021