



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15762 of 2021

P.Balaji

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Neelankarai Police Station,
Chennai.
CRIME.NO.567 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 connection with Crime No.567 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.Periaswamy

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

ORDER

The petitioner who was arrested who was arrested and remanded to judicial custody on 15.06.2021 for the offences under Sections 341, 294(b), 307 & 506(ii) of IPC, subsequently, altered to under Section 341, 294(b), 302 and 506(ii) of IPC, in Crime No.567 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the deceased were playing cards and thereafter wordy quarrel arose and the deceased left the place and thereafter, the petitioner along with other accused persons have committed murder of the deceased. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and he has been falsely implicated. He further submits that he is in jail from 15.06.2021. He further submitted that co-accused had already been released on bail by this Court in Crl.O.P.No.15189 of 2021 dated 25.08.2021. Hence he prays for grant of bail to the petitioner.



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

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5. Considering the facts and circumstances of the case and also the fact that co-accused had already been released on bail by this Court and considering the period of incarceration suffered by 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, 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. 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/-

06/09/2021

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 DISTRICT (FOR INFORMATION).

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S. PERIASWAMY I. Advocate on payment of necessary
charges SR.NO.9583

CRL OP.15762/2021

Date :06/09/2021

INBA 07/09/2021