



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16702 of 2021

1.Sankar
2.Venkatesan
3.Vinothkumar

... petitioners

Vs.

The State Rep by
The Inspector of Police,
B2 Tiruvallur Taluk Police Station,
Tiruvallur.
(Crime No.419 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.419 of 2021 on the file of the respondent police.

For petitioners : Mr. R. Gomathi

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

ORDER

The petitioners who were arrested on 19.07.2021 and remanded to judicial custody for the offences under Sections 147,148, 448,307,324,302 and 506(ii) of IPC in Crime No.419 of 2021 on the file of the respondent police, seek bail.

2. Totally there are six accused persons involved in this case and the petitioners herein arrayed as A1 to A3. The case of the prosecution is that the deceased is a practising advocate and when he went to the house of one Sathya to compromise the issue there was a dispute in the house and the petitioners along with other accused attacked the deceased, in-turn the deceased also attacked the petitioners and the same was prevented by the petitioners, as a result of which the deceased sustained serious injuries and died. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offences and he has been falsely implicated in this case. He further submits that the petitioners are in jail from 19.07.2021. Hence he prays for grant of bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioners. He further submits that this Court had already granted bail to the co-accused in Crl.O.P.No.16027 of 2021 dated 06.09.2021. However, the learned Government Advocate opposed for grant of bail to the petitioners.

5. Considering the submissions made by the petitioners and this Court had already granted bail to the co-accused in Crl.O.P.No.16027 of 2021 dated 06.09.2021 and also 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 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 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/-

13/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B2, TIRUVALLUR TALUK POLICE STATION,
TIRUVALLUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL-II, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.GOMATHI Advocate on payment of necessary charges
SR.NO.9926

CRL OP.16702/2021

Date :13/09/2021

CSK 14/09/2021