

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.19485 & 20857 of 2020

Nila Akthar .. Petitioner in Crl.O.P.19485/2020

Hamdan .. Petitioner in Crl.O.P.20857/2020

Vs.

The State Rep. by
The Inspector of Police,
R-6, Kumaran Nagar Police Station,
Chennai
(Crime No.1290 of 2020) ... Respondent in both Crl.O.Ps.

PRAYER: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1290 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. S.Mohan Raj
in Crl.O.P.19485/2020

For Petitioner : Mr. C.Srinivasan,
in Crl.O.P.20857/2020

For Respondent : Mrs.M. Prabavathi,
in both Crl.O.Ps APP

C O M M O N O R D E R

(Both the cases have been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 08.09.2020 for the offence punishable under Section 307 IPC altered to 302 IPC in Crime No.1290 of 2020, seek bail.

2. The case of the prosecution is that the deceased was engaged in textile business. A2, who was also doing textile business, came from Kolkata and stayed with the deceased. On 07.09.2020, since the deceased refused to include A2 in his business, both the accused stabbed the deceased with knife and thereafter, poured petrol and set fire on him with an intention to murder him and escaped from the scene of occurrence. Subsequently, on 15.09.2020, the deceased succumbed to injuries. Based on the statement of the deceased, First Information Report was registered against the petitioners under Section 307 IPC, and thereafter, it was altered into 302 IPC.

3. The learned counsel for the petitioners would submit that the petitioners and the deceased were doing textile business. Due to money dispute, the petitioners have been falsely implicated in this case. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is pre-planned murder. Both the accused joined together and attacked the deceased with knife and also poured petrol and set fire on him. She would further submit that final report has been filed and the same was taken on file as PRC No.51 of 2020, and the same is now pending for committal before the Metropolitan Magistrate XXIII, Saidapet. Hence, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case and the fact that investigation has been completed, and final report has been filed, now, the matter is pending for committal, and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned XXIII Metropolitan Magistrate, Saidapet, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall appear before the Committal Court daily at 10.30 a.m. on all working days until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, both the Criminal Original Petitions are ordered.

-sd/-

02/02/2021

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 XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-6, KUMARAN NAGAR POLICE STATION,
CHENNAI-83.

5 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN) PUZHAL,
CHENNAI

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

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

CC to M/S.C.Srinivasan Advocate on payment of necessary charges
Sr.1013

CRL OP.Nos.19485 & 20857 of 2020

Date :02/02/2021

RVR 03/02/2021