



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos 18966 and 19769 of 2021

WEB COPY

1. Praveen kumar
2. Ajith @ Jothi Prakash
3. Nagaraj ...Petitioners in Crl.O.P.No.18966 of 2021

1. Pradeep @ Boojaraj ...Petitioner in Crl.O.P.No.19769 of 2021

Vs.

State rep by
The Inspector of Police,
J 10 Chemmancherry Police Station,
Chennai.
(Crime No.788 of 2021) ... Respondent in both petitions.

PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.788 of 2021 on the file of the respondent police.

For Petitioners : Mr.Selvakumaraswamy
(in both petitions)

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

COMMON ORDER

The petitioners who were arrested on 02.09.2021 and remanded to judicial custody for the offence under Sections 174(3) of Cr.P.C @ 302 of IPC, in Crime No.788 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the fourth accused was running a road side tiffin shop, at that time, the deceased along with his friends in a drunken mood and having food, there was misunderstanding arose between them. Thereafter, A4 called the other accused persons and joined together attacked the deceased with hand and legs and caused his death. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 02.09.2021. He further submitted that there is no intention to commit the murder of the deceased. Therefore, he prays to grant 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. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against 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, Chennai, 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.

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-sd/-
27/10/2021

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.I,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT (FOR INFORMATION) .

3 THE INSPECTOR OF POLICE,
J10, CHEMMANCHERRY POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+2 CC to M/S K.SELVAKUMARASWAMY Advocate on payment of necessary charges SR.NOs.11915 & 11914

CRL OP.NOs. 18966 & 19769 of 2021

Date :27/10/2021

INBA-28/10/2021