



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19388 of 2021

Selvam

... Petitioner

Vs.

State by:-

... Respondent

The Inspector of Police,
H3 - Tondiarpet Police Station,
Chennai.
(Crime No.1239 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of CR.P.C., to enlarge the petitioner on bail in Crime No.1239 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Yasin

For Respondent : Mr.L.Baskaran,
Government Advocate (Crl. side)

O R D E R

The petitioner who was arrested and remanded to Judicial custody on 08.08.2021 for the offences under Section 302 IPC in Crime No.1239 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to wordy quarrel between A1 and the deceased, the deceased assaulted the A1. Due to previous enmity the A1, A3 along with the petitioner had assaulted the deceased in his head with iron rod on 08.08.2021 and escaped from the said place which resulted in the registration of the said case. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 08.08.2021. Therefore, he prays to grant bail to the petitioner.

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



5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

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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 (one blood surety), each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, George Town, Chennai and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned XV Metropolitan Magistrate, George Town, Chennai may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and report before the respondent police daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the 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.

7. In the result, this Criminal Original Petition is allowed.

-sd/-
12/10/2021

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.



1 THE XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
H3-TONDIARPET POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. M .MOHAMED YASIN Advocate on payment of necessary
charges SR.NO.11396

CRL OP.19388/2021

Date :12/10/2021

CSK 13/10/2021