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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19429 of 2021

M.Sankar

... Petitioner

Vs.

State Rep. by the Inspector of Police,
Guindy Police Station,
Chennai District.
(Crime No.779 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.779 of 2021 on the file of the respondent police.

For Petitioner : Mr.G.Balaji Venkateswaran

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

ORDER

The petitioner who was arrested on 28.09.2021 and remanded to judicial custody for the offences under Sections 174 of Cr.P.C @ 306 of IPC, in Crime No.779 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a property dispute between A1 and the son of the defacto complainant. Further, A1 is the adopted son of the defacto complainant. Further, the petitioner along with A1 had harassed the son of the defacto complainant, due to which, the deceased had committed suicide by hanging. 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 28.09.2021. He further submitted that there is no serious allegation made against the petitioner and the civil suits are pending before the trial Court. Therefore, he prays to grant bail to the petitioner.

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

5. Considering the facts and circumstances of the case and also the fact that there was a property dispute between A1 and the deceased and there is no specific overtact made against the petitioner and also 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 IX Metropolitan Magistrate, Saidapet, 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.

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-sd/-
20/10/2021

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 IX METROPOLITAN MAGISTRATE,
SAIDAPET.

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

3 THE INSPECTOR OF POLICE,
GUINDY POLICE STATION,
CHENNAI DISTRICT.

4 THE OFFICER INCHARGE
SUB-JAIL, CHENGALPATTU.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.BALAJIVENKATESWARAN Advocate on payment of
necessary charges SR.NO.11496

CRL OP.19429/2021

Date :20/10/2021

JPA 21/10/2021