

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20796 of 2020

Karthik

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

El-Ponneri Police Station,

Ponneri, Tiruvallur District.

(Crime No.3096 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3096 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.M.Selva Kumar

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 23.10.2020 for the alleged offence punishable under Sections 147, 148, 341, 324 & 302 of IPC in Crime No.3096 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant is that on 22.10.2020, while the deceased was riding a two wheeler along with the de facto complainant, who is his uncle, four unknown persons came in a car and dashed against them and thereafter, indiscriminately attacked the deceased and caused his death. Hence, the Complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that even as per the FIR, only four persons were said to have attacked the deceased and there is no specific overt act against the petitioner and that co-accused have already been released on bail. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that there are totally six accused in this case, due to some previous enmity, the petitioner along with other accused waylaid the deceased and attacked him with a gun and caused death. She would submit that as far as this

petitioner is concerned, he has arranged the car and he is the driver of the said car and also he only dashed against the two wheeler of the deceased and thereafter, all the other accused attacked the deceased and caused death. She would further submit that A1, A3 & A4 have already been detained under Act, 14 of 1982 and A2 & A5 have also been released on bail.

5. Heard the learned counsel for the petitioner as also the learned Additional Public Prosecutor appearing for the respondent. Perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner and that similarly placed accused have been released on bail and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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-I, Ponneri, Tiruvallur District 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 petitioner, on his release from prison, shall stay at Cuddalore and report before the Cuddalore Town Police Station everyday at 10.30.a.m until further orders;

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

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

(f) the petitioner 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 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

11/01/2021

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, PONNERI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E1-PONNERI POLICE STATION,
PONNERI, TIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

6 THE OFFICER INCHARGE,
CUDDALORE TOWN POLICE STATION,
CUDDALORE

CC to M/S. N.NARESH Advocate on payment of necessary charges
Sr.328

CRL OP.20796/2020

Date :11/01/2021

RVR 11/01/2021

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