

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.21001 of 2020

Elumalai

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Pallikaranai Police Station,
Pallikaranai.
Crime No.1387 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.1387 of 2020 on the file of the respondent.

For Petitioner : Mr. S.Doraisamy Senior Counsel,
for Mr.V.Elangovan

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 03.10.2020 for the offence punishable under Sections 302 of IPC in Crime No.1387 of 2020, seeks bail.

2. Totally, there are 3 accused and the petitioner is A3. The case of the prosecution is that due to previous enmity, A1 along with other accused attacked the deceased Dilli Babu, with dangerous weapon and committed murder.. Hence, a complaint came to be registered.

3. The learned counsel for the petitioner would submit that there was motive between the deceased and A1. This petitioner is only friend of the deceased, and, he is no way connected with the offence, he has been falsely implicated in this case. He is in jail from 03.10.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the 3 accused are history sheeted rowdies and notorious criminals in that area. Due to previous enmity between A1 and the deceased, this petitioner along with other accused attacked the deceased with dangerous weapon and caused his death and there are eyewitnesses to the occurrence. She would further submit that the petitioner is involved in two previous cases. Now, investigation is completed and final report is also filed and the matter is pending for committal. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that investigation is over and final report has been filed and the matter is pending for committal 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-II, Alandhur, 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 shall report before the committal Court daily at 10.30 a.m., on all working days, 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 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, this Criminal Original Petition is ordered.

-sd/-

24/02/2021

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 THE JUDICIAL MAGISTRATE,
NO.II, ALANDHUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION,
PALLIKARANAI, CHENNAI

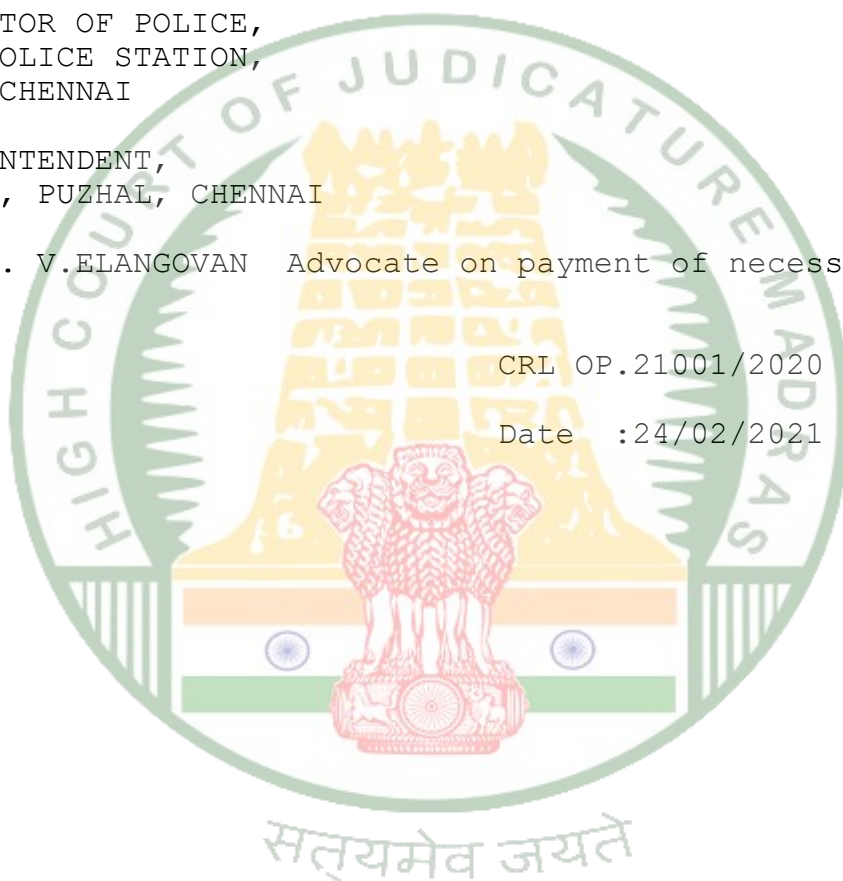
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S. V.ELANGO VAN Advocate on payment of necessary charges

CRL OP.21001/2020

Date :24/02/2021

RVR 25/02/2021



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