



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21498 of 2021

Aravindan

... Petitioner

Vs.

State rep. by
The Inspector of Police
T-5, Thiruverkadu Police Station
Thiruvallur District
(Crime No.1368 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.1368 of 2021 on the file of the Inspector of Police, T-5, Thiruverkadu Police Station, Thiruvallur District.

For Petitioner : Mr.D.Magesh

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.09.2021 for the offence under Section 302 IPC in Crime No.1368 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the brother of the deceased. On 17.09.2021, the defacto complainant received a call from his mother stating that somebody has assaulted his brother/the deceased and he is lying near Gandhi Salai Main Road. Immediately, the defacto complainant rushed to the spot wherein, he found his brother dead and lying in the pool of blood. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Admittedly, on the date of alleged occurrence, the petitioner attended the alleged marriage function wherein, two persons quarrelled and assaulted each other and that the petitioner had watched the incident only a spectator and he had not participated in the alleged offence. He would further submit that the petitioner is a college student studying B.Com (Bank Management) at St. Thomas College of Arts and Science and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 60 days from 18.09.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised strong objection stating that based on the footage taken in the marriage before the alleged occurrence, the petitioner has been implicated in this case as A2. He would further submit that there are totally 3 accused in this case. The deceased and the accused are friends and due to previous enmity, the accused have committed the murder and all the three accused have been arrested and that there is no previous case against the petitioner.

5. Considering the facts and circumstances of the case and the fact that the petitioner is a college student and having no previous case against him and that the investigation is almost completed and also considering the period of incarceration undergone 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 learned Judicial Magistrate-II, Poonamallee, and on further conditions 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, every Saturday and Wednesday 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.

-sd/-

17/11/2021

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, POONAMALLE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-5, THIRUVERKADU POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

+1 CC to M/S. D.MAGESH Advocate on payment of necessary charges
SR.No.12881

CRL OP.21498/2021

Date :17/11/2021

APN 17/11/2021