



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

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CORAM:

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

CrI.O.P.No.21585 of 2021

1.Naveen Kumar
2.Harikumar
3.Sridharan
4.Mohanavel

... petitioners/A2 to A5

Vs.

The State rep by its
Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai.

Crime No: 615 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.615 of 2021 on the file of the respondent police.

For petitioners : Mr.M.Ravikumar

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

ORDER

(The case has been heard through video conference)

The petitioners who was arrested and remanded to judicial custody on 19.08.2021 for the offence under Sections 147, 148, 302, 341 of IPC @ to Sections 120B, 147, 148, 302, 341 of IPC, in Crime No. 615 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was previous enmity between the defacto complainant and the accused in respect of using bore well at odd hours. While so, on 18.08.2021, the defacto complainant and his father were returning home in separate two wheelers. At that time, two of the accused who came in a bike dashed the vehicle of the father of the defacto complainant due to which, he fell down. Subsequently, the other accused who came in a auto joined together and assaulted the father of the defacto complainant with knife due to which, he died. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and that the petitioners have been suffering incarceration for more than 85 days from 19.08.2021. He would submit that some of the co-accused have been released on bail and the petitioners are ready to abide by any stringent condition that may be imposed by this Court and would pray for grant of bail to the petitioners.

4. The learned Government Advocate raised strong objection stating that on the instigation of A1 to A6, the occurrence had happened and he would submit that the investigation has been completed and the final report has been produced before the trial Court and absconding charge sheet is also filed.

5. Considering the fact that some of the co-accused have been released on bail and the investigation has been completed and charge sheet has been filed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 V Metropolitan Magistrate, Egmore, 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 petitioners shall report before the respondent police every Monday and Friday at 10.30 a.m. until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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]; and;



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

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-sd/-
18/11/2021

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 V METROPOLITAN MAGISTRATE,
EGMORE.

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

3 THE INSPECTOR OF POLICE,
K-4, ANNA NAGAR POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.RAVIKUMAR Advocate on payment of necessary charges

CRL OP.21585/2021

Date :18/11/2021

CSK 18/11/2021