



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.12.2021

CORAM:

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

Crl.O.P.No.22757 of 2021

1.Sathish @ Sathish Kumar
2.Vigneshwar @ Vicky

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Manali Police Station,
Chennai District
Crime No: 1174 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No.1174 of 2021 on the file of the respondent police.

For petitioners : Mr.S.P.Meenakshi Sundharam

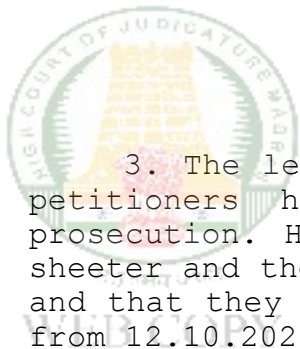
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 12.10.2021 for the offence under Section 302 of I.P.C, in Crime No.1174 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the deceased had robbed the cell phone from the 2nd petitioner in the month of August 2021 and subsequently, the deceased was arrested and later released on bail. Thereafter, the petitioners asked the deceased to return the cell phone due to that, a wordy quarrel arose between them. At that time, the petitioners attacked the deceased with knife due to which, he sustained injuries and died. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the deceased is a history sheeter and the petitioners have been falsely implicated in this case and that they have been suffering incarceration for more than 50 days from 12.10.2021. Hence, he would seek for bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that due to previous enmity the said occurrence had happened but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. 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 Judicial Magistrate, Thiruvottiur, 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 daily at 10.30 a.m. until further orders;

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

(d) the petitioners 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 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;



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

WEB COPY

-sd/-
03/12/2021

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,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.P.MEENAKSHI SUNDHARAM Advocate on payment of necessary charges SR.NO.13975

CRL OP.22757/2021

Date :03/12/2021

JPA 03/12/2021