



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

CrI.O.P.No.24202 of 2021

1.Keerthi .. Petitioners
2.Raji
3.Lawrence @ Lara
4.Mathivanan @ Mathi

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 Petitioner : Mr.M.Ravikumar

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 01.10.2021 for the offences under Sections 147, 148, 302, 341, IPC @ 120B, 147, 148, 302, 341 of IPC in Crime No.615 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a 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 two 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 he is not pressing the petition insofar as the petitioners 2 to 4 are concerned and he seeks permission of the Court to withdraw the petition as against them and he would submit that the 1st petitioner is an innocent and he has been falsely implicated in this case and that he has been suffering incarceration for more than 75 days from 01.10.2021. He would further submit that some of the co-accused have been released on bail by this Court and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. He would further submit that he understands that the charge sheet has been filed in S.R.No.36991 of 2021 and the same has been returned for some compliance. Hence, he would pray for grant of bail to the 1st petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that on the instigation of A1 to A6, the occurrence had happened. The petitioner is arrayed as A9 and he has got one previous case for offence under Section 302 IPC and he has been arrested in this case on P.T. Warrant.

5. In view of the submission made by the learned Counsel for the petitioner, the petition is dismissed as withdrawn insofar the petitioners 2 to 4 are concerned.

6. It is seen that the charge sheet has been filed in S.R.No.36991 of 2021 and the same has been returned for some compliance which reveals that the investigation has been completed and some of the co-accused have been granted bail by this Court and also considering period of incarceration undergone by the 1st petitioner, this Court is inclined to grant bail to the 1st petitioner with certain conditions.

7. Accordingly, the 1st 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 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 1st petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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/-
15/12/2021

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 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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

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

CRL OP.24202/2021

Date :15/12/2021