



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE M.DHANDAPANI

Crl.O.P.No.24868 of 2021

K.Lakshmanan

...Petitioner

Vs.

State rep. By
Inspector of Police,
E-1, Mylapore Police Station,
Chennai - 600 004
Crime No.1019 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in the case in Crime No.1019 of 2021 on the file of the respondent police.

For Petitioner : M/s.C.H.Vinobha Gandhi

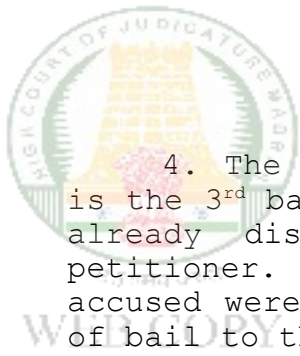
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 18.09.2021 for the offences under Sections 341, 147, 148, 324, 302 of IPC in Crime No.1019 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused is alleged to have committed murder of the deceased. Hence, the law enforcing agency registered a case against the petitioner and other accused.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the co-accused were already enlarged on bail. He furthermore submits that the petitioner has been suffering incarceration from 18.09.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that this is the 3rd bail application filed by the petitioner and this Court has already dismissed the earlier bail applications filed by the petitioner. Further he also did not dispute the fact that the co accused were already enlarged on bail. However, he opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case, since the co-accused were already enlarged on bail, considering the change of circumstance pointed out by the learned counsel for the petitioner and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

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 XVIII Metropolitan Magistrate Court, Saidapet 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 is directed to appear before the respondent police daily 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/-

17/12/2021

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.



1 XVIII METROPOLITAN MAGISTRATE
COURT, SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
E-1, MYLAPORE POLICE STATION,
CHENNAI 600004

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S.C.H.VINOBHA GANDHI Advocate on payment of necessary
charges Sr.15068

CRL OP.24868/2021

Date :17/12/2021

RVR 20/12/2021