



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

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

Crl.O.P.No.365 of 2022

Jayakumar

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
Ennore Police Station,
Tiruvallur District.
(Crime No.833 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.833 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Riyas

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

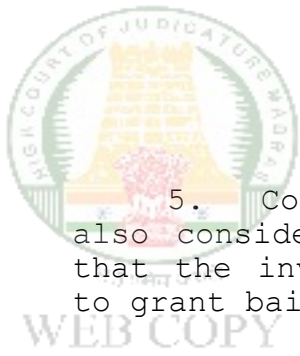
ORDER

The petitioner who was arrested and remanded to judicial custody on 27.09.2021 for the offence under Section 147, 148, 294(b), 448, 302 of IPC in Crime No.833 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with others brutally attacked the deceased with iron rod and wooden log and stone and died on the spot . Hence, the complaint.

3. The learned counsel for the petitioner would submit 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 petitioner has been suffering incarceration for more than 100 days from 27.09.2021. He would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) raised objection stating that petitioner is having two previous cases. He further submitted that investigation was almost completed and the charge sheet also filed.



5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the fact that the investigation was almost completed, this court is inclined to grant bail to the petitioner with conditions.

[a] the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioner shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Thiruvottiyur within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c] 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;

[d] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m, until further orders and the petitioner shall also appear before the Court below during the trial proceedings without fail;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
10/01/2022

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 INSPECTOR OF POLICE,
ENNORE POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI

CC to M/S.M.MOHAMED RIYAS Advocate on payment of necessary charges Sr.425

CRL OP.365/2022

Date :10/01/2022

RVR 11/01/2022