



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.705 of 2022

D.Desappan

.. 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 of police.

For Petitioner : Mr.M.Mohamed Riyas

For Respondent : Mr.N.S.Suganthan
Government Advocate(Cr1. Side)

ORDER

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

2. The case of the prosecution is that the defacto complainant's son was attacked with rod and stone by the petitioners and others due to previous enmity and subsequently, he succumbed to injuries. Hence the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the co-accused was already enlarged on bail by this Court in Cr1.OP.No.365 of 2022 dated 10.01.2022. He further submits that the petitioner was suffering incarceration for 108 days



from 27.09.2021 . Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that defacto complainant's son was attacked with rod and stone by the petitioners and others due to previous enmity and subsequently, he succumbed to injuries. He further submitted the investigation was almost completed.

5. Considering the facts and circumstances of the case and also the fact that the investigation was almost completed and also considering the period of incarceration undergone by the petitioner , 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 *Judicial Magistrate Court, 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 appear before the respondent police on everyday 5.00 p.m., until further orders;

[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.

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-sd/-
12/01/2022

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 DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ENNORE POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S M.MOHAMED RIYAS Advocate on payment of necessary charges SR.No.561

CRL OP.705/2022

Date :12/01/2022

CSK 19/01/2022