



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

Crl.O.P.No.1478 of 2022

Selvabalaji

...Petitioner

Vs.

State rep. by
The Inspector of Police,
M-8, Sathangadu Police Station,
Chennai
(Crime No. 793 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 the case pending investigation in Crime No.793 of 2021 on the file of the Respondent police.

For Petitioner : M/s.R.Premanandhan

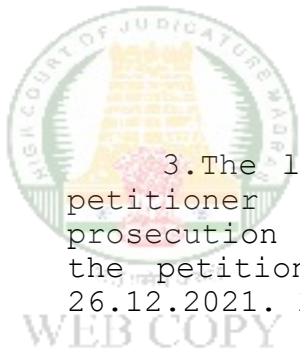
For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 26.12.2021 for the offences under Sections 147, 148, 152, 294(b), 324, 353, 506(ii) of IPC and Section 3 of TNPPDL Act 1992 altered into Sections 147, 148, 152, 294(b), 324, 353, 307, 506(ii) of IPC r/w 3 of TNPPDL Act 1992 in Crime No.793 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.12.2021, a young man committed suicide by hanging. Hence, the defacto complainant who is a police officer went to the spot to send the body to the hospital for postmortem during which, the petitioner along with others threatened and attacked the defacto complainant with wood stick and stones not letting the deceased body to be taken to the hospital and also damaged an Ambulance. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him and that the petitioner has been suffering incarceration for 30 days from 26.12.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that the petitioner is one who instigated the other accused to commit the offence but admits that the co-accused has been released on bail by this Court and the investigation is almost completed and there is no previous case against the petitioner.

5. Considering the fact that there is no previous case against the petitioner and the investigation is almost completed and the co-accused has been granted bail and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, 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 make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Registered Advocate Clerks Association, Chennai, without prejudice to his defence before the trial Court and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Thiruvattiyur, 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 learned 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.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

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



(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

24/01/2022

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, THIRUVATTIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
M-8, SATHANGADU POLICE STATION, CHENNAI

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

6 THE REGISTERED ADVOCATE CLERK
ASSOCIATION, CHENNAI

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

CRL OP.1478/2022

Date : 24/01/2022

RVR 25/01/2022