



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

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

Crl.O.P.No.3238 of 2022

Yaseen Sheriff

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
M - 4, Redhills Police Station,
Thiruvallur.
(Crime No.2052 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.2052 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Illiyas

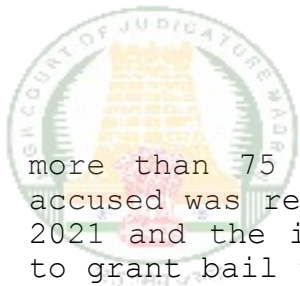
For Respondent : Mr.L.Baskaran
Government Advocate (Crl side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.11.2021 for the offences under Sections 302 of IPC, in Crime No.2052 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the deceased was taking treatment in the de addiction centre namely pioneer de-addiction centre situated at Kavangarai, Wherein the deceased and the petitioner along with other accused person were taking treatment for alcohol de-addiction and on 26.11.2021, due to wordy quarrel with the deceased, the petitioner along with other accused persons assaulted the deceased all over his body and committed murder. Hence, the complaint.

3. The learned Counsel for the petitioner submit 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 petitioner is suffering incarceration for



more than 75 days from 26.11.2021. He further submits that the co accused was released on bail by the trial Court in CrI.M.P.No.3148 of 2021 and the investigation has also been completed. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (CrI side) raised objection stating that the petitioner there are four accused involved in this case, out of which, two accused are juvenile and the petitioner is arrayed as A2 and the petitioner is having one previous case and if the petitioner enlarged on bail, he shall tamper with evidence or witness and he further submitted that the investigation almost completed. However, he opposed grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and the co-accused has been already released on bail, this Court is inclined to grant bail to the petitioner with conditions.

(a) the petitioner is ordered to be released on bail on 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 Judicial Magistrate No.II, Ponneri.

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three months, until further orders

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

18/02/2022

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,
NO.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M-4, REDHILLS POLICE STATION,
TIRUVALLUR .

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1CC to M/S. M.ILLIYAS Advocate on payment of necessary charges
SR.No.2664

CRL OP.3238/2022

Date :18/02/2022

CSK 21/02/2022

CSK 22/02/2022