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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Cr1.O.P.No.2664 of 2022

1. M.Jagadeesh
2. M.Lingaraj

... Petitioner/Accused

Vs.

State rep. by
Inspector of Police
K-9, Thiru-Vi-Ka- Nagar Police Station,
Thiru-Vi-Ka Nagar,
Chennai 600 082.
(Crime No.1084 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.1084 of 2021 on the file of the Respondent police pending investigation.

For Petitioners : Mr.K.Kannan.

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 02.12.2021 for the offences under Section 147, 148 and 302 of IPC in Crime No.1084 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners are A6 and A7 along with other accused persons assaulted the deceased with knife and he died. Hence, the complaint.

3. The learned counsel for the petitioners submit that based on the confession statement of the co-accused, these petitioners are implicated in this case and further submitted that the petitioners



have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that he has been suffering incarceration for 50 days from 02.12.2021 and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that A1 and A2 are detained under Goondas and he further submitted that the investigation almost completed, but, no previous case against the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioners and the investigation was almost completed and there is no previous case as against the petitioners, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioners are 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 Petitioners have been confined and thereafter on his release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned V Metropolitan Magistrate, Egmore, Chennai, 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two months ;

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

(g) the petitioners shall not abscond either during investigation or trial;

(h) 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;



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

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-sd/-
04/02/2022

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 METROPOLITAN MAGISTRATE,
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
K-9, THIRU-VI-KA NAGAR,
CHENNAI - 600 082.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to K.KANNAN Advocate on payment of necessary charges
SR.NO.1974

CRL OP.2664/2022

Date :04/02/2022

JPA 07/02/2022