



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3354 of 2022

B.Dinesh

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
B-6 Mappedu Police Station,
Thiruvallur
(Crime No.535 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying enlarge the petitioner on bail in Crime No.535 of 2021 pending investigation on the file of the respondent police.

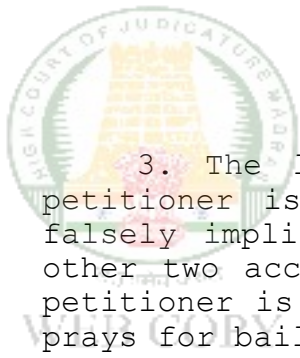
For Petitioner : Mr.S.Suresh

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.12.2021 for the offences punishable under Sections 147, 148, 448, 294(b), 323, 324 and 307 IPC altered into 302 IPC in Crime No.535 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner is A3. The case of the prosecution is that the petitioner herein and other accused (A1 & A2) are the contractors, who used to engage the daily wage labourers hailing from Northern part of India and used to pay less wages. In this regard, when the defacto complainant along with three others went and questioned the petitioner and other accused, there was a clash between them, wherein, A1 attacked them with wooden log and provoked other accused and the petitioner, also attacked them, as a result of which, one Abdul Hasim sustained head injuries and died in the hospital. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and that the petitioner has been falsely implicated in this case. He would further submit that the other two accused in this case are already enlarged on bail and the petitioner is in judicial custody from 15.12.2021 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is still pending. However, she fairly conceded that a portion of the investigation has been completed and some other accused involved in this case are all enlarged on bail by this Court.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It seems that the respondent police registered a case as against this petitioner for the offence under sections Sections 147, 148, 448, 294(b), 323, 324 and 307 IPC altered into 302 IPC. Though there was an averment found in the FIR that during the relevant point of time, some unknown persons have entered into the home, wherein the deceased and others are staying, attacked with wooden log and committed this offence, considering the fact that as of now some of the accused are already released on bail by this Court and also due to the reason that the petitioner is in the judicial custody, for the past 57 days, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Tiruvallur.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

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



(v) 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].

-sd/-

11/02/2022

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-II,
TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
B-6, MAPPEDU POLICE STATION,
THIRUVALLUR

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.SURESH Advocate on payment of necessary charges
SR.No.2215

CRL OP.3354/2022

Date :11/02/2022

CSK 11/02/2022