



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.2975 of 2022

Rahim Shariff

... Petitioner / Accused-3

versus

State by:

The Inspector of Police,
D-1 Triplicane Police Station,
Chennai - 600 005.

(Crime No.1053 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.1053 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Pugalenth

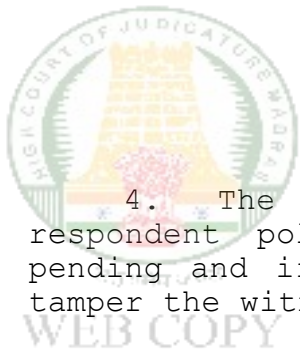
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.12.2021 for the offences punishable under Sections 341, 294(b), 324, 307 and 506(ii) of IPC and subsequently altered into Sections 341, 294(b), 324, 302 and 506(ii) of IPC in Crime No.1053 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, this petitioner along with other accused stabbed the victim with knife and caused severe injuries. Due to the said assault, the victim was admitted in the hospital and subsequently, he died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is a first offender and he is in judicial custody from 29.12.2021 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending and if this petitioner is enlarged on bail, he may try to tamper the witness and hamper the investigation.

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 the petitioner and two others for the offences punishable under Sections 341, 294(b), 324, 302 and 506(ii) of IPC. The averments found in the First Information Report disclose the fact that during the relevant point of time, the other two accused, who are all arrayed as A-1 and A-2 alone stabbed the victim with knife and this petitioner has no specific overt act against the deceased. The only overt act against this petitioner is that, he kicked the deceased on the chest. However, the petitioner is in incarceration from 29.12.2021.

7. Taking note of the above said aspects into consideration and having regard to the nature of offence committed by this petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) 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 II Metropolitan Magistrate, Egmore, Chennai.

(b) 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;

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

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

(e) 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];



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

-sd/-
15/02/2022

WEB COPY

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.II, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
D-1, TRIPLICANE POLICE STATION,
CHENNAI-600 005.

4 THE SUPERINTENDENT,
CENTRAL PRISON,-2, PUZHAL,
CHENNAI-600 066

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.PUGALENTHI Advocate on payment of necessary
charges SR.NO.2343

CRL OP.2975/2022

Date :15/02/2022

JPA 15/02/2022