



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.11479 of 2022

B.BHARADHWAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY THE
THE INSPECTOR OF POLICE,
P-6, KOUNGAIYUR POLICE STATION,
PULIANTHOPE, CHENNAI.
(CRIME NO.219/2022)

[RESPONDENT]

For Petitioner : MR.SHANKAR for M/S. S.KUMARA DEVAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.03.2022 for the alleged offence under Sections 147, 148, 341, 307, 302 and 506(ii) I.P.C. in Crime No.219 of 2022 on the file of the respondent police, seeks bail.

2. The contention of the petitioner is that he was arrested in this case on 01.03.2022 based on the confession of A2. The allegation against the petitioner is that the petitioner along with five others had assaulted the deceased with wooden log and thereby, caused his death.

3. The case of prosecution is that A1 and A2 viz., Aravind and Ananth were having platform shop for selling vegetable and flowers. They had a grievance that the deceased was selling the vegetables and flowers with lesser rate, thereby causing loss to their business. Due to which, several disputes and a complaint was also lodged with traders association. Due to this motive, on 27.02.2022, A1 engaged three other persons, who came in an auto and looked the place and thereafter, after speaking with A1 in front of their shop, assaulted



the deceased with wooden log and knife, and later, when the defacto complainant raised alarm, they fled away from the occurrence and thereafter, the deceased was taken to the hospital, wherein he was declared dead.

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4. The learned counsel appearing for petitioner would submit that the petitioner arrayed as accused only on the confession of A2. He would further submit that A6, who is similarly placed granted bail by the Sessions Court. The petitioner is in incarceration for almost 86 days. It is also seen that investigation is almost completed. As regards this petitioner, apart from this case, he has yet another case in Crime No.24 of 2022 as the petitioner attempted to snatch the chain of defacto complainant after this occurrence. Hence, this is a put up case according to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner had already suffered incarceration for nearly 86 days and the investigation is almost completed by the respondent police, this Court is inclined to enlarge the petitioner on bail.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 X Metropolitan Magistrate, Egmore, Chennai and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. till the filing of final report.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

25/05/2022

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 X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
P-6, KOUNGAIYUR POLICE STATION,
PULIANTHOPE, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.KUMARA DEVAN Advocate on payment of necessary charges SR.No.7817

CRL OP.11479/2022

Date :25/05/2022

CSK 26/05/2022