



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11757 of 2022

N.GUNASEELAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
D-1, TRIPLICANE POLICE STATION,
TRIPLICANE,
CHENNAI.
CRIME NO.155 OF 2022

[RESPONDENT]

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

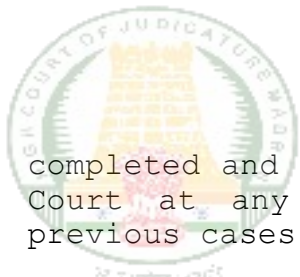
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 09.03.2022 for alleged offence under Sections 147, 148, 341, 294(b), 302 and 506(ii) of IPC in Crime No.155 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant had gone to see her brother Madhan and while so, she is said to have seen the accused persons abusing the deceased and attacking him with deadly weapons. When the de facto complainant attempted to stop the accused persons, she was also threatened and hence, she ran away from the place of occurrence. There are totally 12 accused persons in this case and this petitioner has been arrayed as A10.

3. Learned Government Advocate (Criminal Side) submitted that the previous bail petition filed by the petitioner was dismissed as withdrawn by this Court on 26.04.2022. Learned Government Advocate (Criminal Side) further submitted that the investigation has been



completed and that the final report will be laid before the concerned Court at any time. It was further submitted that there are no previous cases against the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner was arrested only based on the confession of A5 and the petitioner has already suffered incarceration for nearly 70 days. It was further submitted that some of the co-accused were granted bail by the Court below and hence, the petitioner is also entitled to be considered to be enlarged on bail. Learned counsel submitted that the change in circumstance in the present case is the completion of investigation and that the petitioner is willing to comply with any conditions imposed by this Court.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there are no previous cases against the petitioner and that the investigation has already been completed and the final report is going to be filed by the respondent before the concerned Court and some of the co-accused have already been granted bail by the Court below, this Court is inclined to enlarge the petitioner on bail by imposing certain stringent conditions.

6. In view of the above, the petitioner is granted bail subject to the following conditions:

7. 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 II 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 5.30 p.m, until further orders.

[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 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].



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

WEB COPY

-sd/-
19/05/2022

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 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,
TRIPLICANE, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges SR.NO.7417

CRL OP.11757/2022

Date :19/05/2022

JPA 19/05/2022