



Crl.OP.No.15533 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Shankar @ PeriyaAppunu

..Petitioner/ A2

Vs.

The State Rep by
The Inspector of Police,
H6 – RK Nagar Police Station,
Chennai
crime No.1192 of 2021

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC.No.332 of 2021 on the file of the learned I Additional Sessions Judge at Chennai in respect of crime No.1192 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Rafi Babu

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.07.2021 for the offences punishable under Sections 147,



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148, 294(b), 302, 324, 341, 506(2) of IPC in SC.No.332 of 2021 on the file of the learned I Additional Sessions Judge at Chennai in respect of crime No.1192 of 2021 on the file of the respondent police, seeks bail

2. The case of the prosecution is that due to previous enmity between the deceased and A1 in respect of illegal affair with one, Victoria, A1 along with the petitioner and the other accused persons went to the defacto complainant's house and attacked the deceased using deadly weapons. Thereafter, he was admitted in the hospital. However, he died. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is facing trial in SC.No.332 of 2021 on the file of the learned I Additional Sessions Judge at Chennai and the co-accused were released on bail in Crl.MP.Nos.14546, 16110, 16245 & 16486 of 2021. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the specific overt act against this petitioner is that he stabbed the deceased with knife in stomach. He would further submit that though the petitioner was detained under Goondas Act, the order was subsequently revoked by this court.

5. It is seen that there are totally five accused, in which the petitioner is arrayed as A2. The petitioner had involved in so many cases and he was detained under Goondas Act. However, the detention order was set aside by this Court. Further, investigation was completed and charge sheet was filed, which was taken cognizance in SC.No.332 of 2021 on the file of the learned I Additional Sessions Judge at Chennai and it is pending.

6. Considering the above facts and circumstances of the case and also considering that the co-accused were arrested and released on bail, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a



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sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, George Town, 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 trial court viz., I Additional Sessions Court at Chennai daily at 10.30 a.m. and 05.30 p.m. until further orders.

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

[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 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



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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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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned XV Metropolitan Magistrate,
George Town, Chennai
- 2.The I Additional Sessions Court
at Chennai
- 2.The Inspector of Police,
H6 – RK Nagar Police Station,
Chennai
- 3.Central Prison
at Puzhal
- 4.The Public Prosecutor,
High Court of Madras

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