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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

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

CrI.OP.No.15525 of 2022

Senthilkumar

..Petitioner/ A9

Vs.

The State rep.by
The Inspector of Police,
K3 Aminjikarai Police Station,
Chennai
crime No.257 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.257 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Selvam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.05.2022 for the offences punishable under Sections 341, 294(b), 302, 506(2) r/w 120(B) of IPC in crime No.257 of 2022 on the file of the respondent police, seeks bail

2. The case of the prosecution is that due to previous enmity, the accused persons assaulted the deceased with deadly weapons and aruval, thereby he sustained grievous injuries and 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 engaged in the business of buying and selling used cars. On request of one, Stephenraj, the petitioner had only given his car for trial run and he has no knowledge about the nature of offence committed. Therefore, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there was a previous enmity between A1 and the deceased in respect of their business. A7 suspected that the deceased murdered his friend in the year 2017. Therefore, there are two motives for the accused persons. On the date of occurrence, A1 to A4 were present at the scene of occurrence and they assaulted with aruval in whole body and caused injuries. Thereafter, the deceased was admitted in hospital. However, he died. He would further submit that the petitioner is arrayed as A9 and the car involved in the offence belongs to him. Further, after getting the car, they changed the number plate and A1 & A2 used the car to escape after committing the crime. Hence, he vehemently opposed to grant bail to the petitioner.

5. There are totally nine accused, in which the petitioner is arrayed as A9. There was previous enmity between the deceased and A1 & A7. A6 is the brother of the first accused. A7 and A9 are friends of A6. Even according to the case of the prosecution, A1 to A4 attacked the deceased with deadly weapons and he was immediately taken to the hospital. However, he died. As far as the petitioner, he is arrayed as A9 and he provided the car to commit offence by A1 to A4 by changing number plate. Thereafter, the accused persons escaped from the scene of crime by using the car provided by A9.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 27.05.2022, 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 sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned V Metropolitan Magistrate at Egmore 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 stay at Dharmapuri and report before the Inspector of Police, B1 Town Police Station, Dharmapuri daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police 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 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/-

06/07/2022

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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
K3 AMINJIKARAI POLICE STATION, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

6 THE INSPECTOR OF POLICE,
B1 TOWN POLICE STATION, DHARMAPURI

CC to M/S.D.SELVAM Advocate on payment of necessary charges
Sr.10755

CRL OP.15525/2022

Date :06/07/2022

RVR 07/07/2022