

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM

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

Crl.O.P.No.15775 of 2022

Jaya Prakash

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
M-7, Manali New Town,
No.325, Mosque Street,
Manali New Town, Chennai 600 103.
Crime No.139 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, in the case pending investigation in Crime No.139 of 2022 on the file of the Respondent Police.

For Petitioner : Mr.K.M.Mrithun Jayan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.04.2022 for the offence under Sections 341, 294(b), 302 and 506(2) of IPC, in Crime No.139 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.04.2022, due to previous enmity, the petitioner along with other accused attacked the deceased using deadly weapons and thereby committed a murder.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that co-accused had been granted bail by this Court. That apart, the petitioner was arrested and remanded to judicial custody on 27.04.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the specific overt act as against the petitioner is that the petitioner had attacked the deceased using knife. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 27.04.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Ponneri 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 Hosur and report before the Hosur Town Police Station daily at 10.30 a.m., for a period of four weeks and thereafter report before the respondent police daily at 10.30.a.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/-

11/07/2022

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 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II,
CHENNAI.

4 INSPECTOR OF POLICE,
M-7 MANALI NEW TOWN,
NO.325, MOSQUE STREET,
MANALI NEW TOWN,
CHENNAI - 600 103

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
HOSUR TOWN POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.

+1 CC to M/S.K.M.MRITHUN JAYAN Advocate on payment of necessary
charges SR.NO. 11125

CRL OP.15775/2022

Date :11/07/2022

RW-11/07/2022