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CrI.OP.No.15739 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

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

CrI.OP.No.15739 of 2022

Mohan

..Petitioner/ A7

Vs.

The Inspector of Police,
D2-Anna Salai Police Station,
Chennai
crime No.111 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.111 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.R.Premanandhan

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

ORDER

The petitioner/A7, who was arrested and remanded to judicial
custody on 03.05.2022 for the offences punishable under Sections 147,



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148 and 302 of IPC in crime No.111 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased got admitted in a de-addiction centre i.e. Madras Care Centre for rehabilitation making to quit the alcoholic habit. After completion of his treatment, he was discharged from the rehabilitation centre. Later, again he started to consume alcohol and addicted to alcohol. Therefore, he was again admitted into rehabilitation centre on 03.02.2022. On his subsequent admission, the accused persons attacked him brutally and caused him grievous injuries on his entire body, due to which he died on 02.05.2022.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A7 and he is one of the inmates of the said Madras Care Centre. He would further submit that the petitioner did not attack the deceased and there is no specific overt act against him. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that there are totally 10 accused, in which the petitioner is arrayed as A7. He along with other accused persons, due to previous enmity, attacked the deceased with sticks and other deadly weapon and caused grievous injuries on the deceased, due to which he died on the said day i.e. on 02.05.2022. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, 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 blood related 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 10.30 a.m. and 05.30 p.m. until further orders.



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[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.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned II Metropolitan Magistrate,
Egmore, Chennai
- 2.The Inspector of Police,
D2-Anna Salai Police Station,
Chennai
- 3.Central Prison,
Puzhal, Chennai
- 4.The Public Prosecutor,
High Court of Madras

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