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CrI.OP.No.16049 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM

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

CrI.O.P.No.16049 of 2022

1. B.Lenin Beemrao
2. Raj

...Petitioners

Vs.

State, Rep. by
The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.
Crime No.615 of 2021

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C.

praying to enlarge the petitioners on bail in P.R.C.No.56 of 2022 on the file of the V Metropolitan Magistrate, Egmore, Chennai in Crime No.615 of 2021 on the file of the Inspector of Police, K-4, Anna Nagar Police Station, Chennai.

For petitioners : Mr.C.D.Sugumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 21.11.2021 for the offence under Sections 147, 148, 341 and 302 of IPC, in Crime No.615 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, due to previous enmity, the petitioners along with other accused attacked the defacto complainant's father with knife and thereby the deceased lost his life. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. That apart, the petitioners were arrested and remanded to judicial custody on 21.11.2021. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that investigation in this case almost completed and final report has been filed and the same was taken on file by the learned V Metropolitan Magistrate Court, Chennai in P.R.C.No.56 of 2022. He further submits that first petitioner had already been



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detained under goondas and there are nine previous case pending against the second petitioner. Hence, he opposed to grant bail to the petitioners.

5. Considering the fact that the first petitioner already been detained under goondas, this Court is not inclined to grant bail to the first petitioner/A1. Considering the fact that the petitioner was not present in the scene of crime and also considering the period of incarceration undergone by the second petitioner i.e., from 21.11.2021, this Court is inclined to grant bail to the second petitioner/A14.

6. Accordingly, second 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 **V Metropolitan Magistrate Court, 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 second petitioner shall report before the trial Court twice



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daily at 10.30.a.m., and 04.30.p.m., until furthers.

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

12.07.2022

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To

1. V Metropolitan Magistrate Court,
Chennai
2. The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai.
3. The Central Jail,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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