



WEB COPY



Crl.OP.No.16059 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM

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

Crl.O.P.No.16059 of 2022

Stephen

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Madhavaram Police Station,
Chennai District.
Crime No.399 of 2022

...Respondent

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

praying to enlarge the petitioner on bail pending committal in P.R.C.No.11 of
2022 on the file of the District Munsiff Cum Judicial Magistrate, Mdhavaram.

For Petitioner : Mr.S.P.Meenakshi Sundharam

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.04.2022 for the offence under Section 324, 307 of IPC subsequently altered to Section 302 of IPC, in Crime No.399 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, due to previous enmity, the petitioner along with other accused attacked the deceased with beer bottle. Thereby, the deceased lost his life. Hence, the case.

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 have been granted bail by the trial Court. That apart, the petitioner was arrested and remanded to judicial custody on 12.04.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that investigation in this case has been completed and final report in P.R.C.No11 of 2022 is pending for committal. However, he opposed to grant bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 12.04.2022, 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 **District Munsiff Cum Judicial Magistrate, Madhavaram** 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 Committal Court 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.



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WEB COPY [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.

12.07.2022

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To

1. District Munsiff Cum Judicial Magistrate,
Madhavaram
- 2.The Inspector of Police,
Madhavaram Police Station,
Chennai District.
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

Sma

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