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CrI.OP.No.17528 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM

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

CrI.OP.No.17528 of 2022

Baarath

..Petitioner/ A8

Vs.

State rep.by
The Inspector of Police,
K-3 Aminjikai Police Station,
Aminjikai,
Chennai-600 029.
(crime No.257 / 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner/Accused-8 on bail pending investigation rested in crime No.257/2022, on the file of the Inspector of Police, K-3, Aminjikai Police Station, Chennai – 600 029.

For Petitioner : Mr.N.Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial



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custody on 23.05.2022 for the offences punishable under Sections 341, 294(B), 302 and 506(ii) 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 no way connected with the alleged offence and based on the confession statement of co-accused, this petitioner has been falsely implicated in this case. 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



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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. As far as the petitioner herein is concerned, he assisted all the four prime accused to escape from the Chennai city at Maduravoyal Bye Pass, who were gathered there after the alleged incidents and helped them by accompanying with them over the Innova car and dropped them at Kallakurichi. Further, after getting the car from A9, 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 A8. 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 assisted all the



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four prime accused to escape from the Chennai city at Maduravoyal Bye Pass, who were gathered there after the alleged incidents and helped them by accompanying with them over the Innova car and dropped them at Kallakurichi. A9 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. 23.05.2022, 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 VTH Metropolitan Magistrate, Egmore, at 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 stay at Dharmapuri and report before the



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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.

27.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The VTH Metropolitan Magistrate,
Egmore, at Chennai.
- 2.The Inspector of Police,
K-3 Aminjikarai Police Station,
Aminjikarai,
Chennai-600 029.
- 3.Central Prison
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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