



WEB COPY



CrI.O.P.No.18392 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

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

CrI.O.P.No.18392 of 2022

1. Jeeva  
2. Parthiban

...Petitioners

Vs.

The State rep by  
The Inspector of Police,  
D-2, Anna Salai Police Station,  
Chennai.  
Crime No.150 of 2022

..Respondent

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioners on bail pending investigation in Crime  
No. 150 of 2022 on the file of the respondent.

For Petitioners : Mr.P.Sundara Rajan

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



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### **ORDER**

The petitioners, who were arrested and remanded to judicial custody on 15.06.2022 for the offences under Sections **174(3) of Cr.P.C @ 302 of IPC** in crime No.150 of 2022 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 deceased with knife, wooden log and beer bottle, due to which, the deceased sustained grievous injuries and subsequently died. Hence, the case.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. That apart, the petitioners were arrested and remanded to judicial custody on 15.06.2022. Hence, he prays for grant of bail to the petitioners.



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4.The learned Additional Public Prosecutor submits that initially the case was registered under Section 174(3) Cr.P.C and subsequently, the section was altered into Section 302 of IPC. Hence, he opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners ie., from 15.06.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the learned **Metropolitan Magistrate No.II, 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.



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**[b] the petitioners shall stay at Coimbatore and report before the Peelamedu Police Station twice daily at 10.30.a.m., and 04.30.p.m., for a period of six weeks and thereafter report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m., until further orders;**

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

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

**04.08.2022**

*sma*



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**To:**

1. Metropolitan Magistrate No.II,  
Egmore, Chennai
2. The Inspector of Police,  
D-2, Anna Salai Police Station,  
Chennai.
3. Central Prison,  
Puzhal, Chennai.
4. The Public Prosecutor,  
High Court of Madras



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**G.K.ILANTHIRAIYAN, J.**

*sma*

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