



Crl.OP.No.19019 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

Crl.OP.No.19019 of 2022

E.Naveenkumar @ Lotta Naveen

...Petitioner

Vs.

State by

The Inspector of Police,
K-7 ICF, Police Station,
Chennai.

(Crime No.141 of 2021)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail on P.R.C.No.168/2021 in the hon'ble V Metropolitan Magistrate Court Egmore Chennai in Crime No.141 of 2021 on the file of the Inspector of Police, K-7 ICF Police Station, Chennai pending investigation.

For Petitioner : Mr.G.Sonai Bothi Rajan.

For Respondent: Mr.A.Gopinath,

Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.07.2022 on execution of Non-Bailable Warrant issued by



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the V Metropolitan Magistrate Court, Egmore, Chennai for the offence under Sections **302 r/w 34 of IPC** in P.R.C.No.168 of 2021 in respect of crime No.141 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner along with other accused persons had murdered the son of the *de-facto* complainant. Hence, the case.

3. The petitioner was originally arrested and granted bail. However, on 17.05.2022, the petitioner failed to appear before the committal court and as such, NBW was issued as against the petitioner on 17.05.2022. On execution of NBW, he was arrested and remanded to judicial custody on 12.07.2022.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that there are three previous cases pending as against the petitioner, out of which one is under Section 302 of IPC. Hence, he vehemently opposed to grant bail to the petitioner.



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5. 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., on 12.07.2022, 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 blood related sureties**, each for a like sum to the satisfaction of the **learned V Metropolitan Magistrate in 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 committal Court i.e. V Metropolitan Magistrate Court, Egmore, Chennai twice daily at 10.30 a.m. and 5.30 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



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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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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

1. The V Metropolitan Magistrate in Egmore, Chennai
2. The Inspector of Police,
K-7 ICF, Police Station,
Chennai.
3. Central Puzhal prisons II, Chennai.
4. The Public Prosecutor,
High Court of Madras

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