



Crl.OP.No.21825 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

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

Crl.OP.No.21825 of 2022

Raghu

...Petitioner

Vs.

State represented by
The Inspector of Police,
M-5 Ennore Police Sstation,
Tiruvallur District.
(Crime No.487 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with the case in
Crime No.487 of 2022 on the file of the respondent police.

For Petitioner :Mr.M.Mohamed Riyas

For Respondent :Mr.S.Santhosh,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.07.2022 for the offences punishable under Sections 147, 148, 302, 34 IPC in crime No.487 of 2022 on the file of the respondent police, seeks bail.

2. There are totally six accused and the petitioner is arrayed as A1. The case of the prosecution is that the petitioner along with other accused, due to previous enmity, attacked the deceased with iron rod and thereby the deceased sustained grievous injuries and died. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are four previous cases pending against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. It is seen that this is a case of circumstance evidence and the wife of the deceased stated that the deceased went along with the petitioner and others. Therefore, only based on the confession statement of the co-accused, the petitioner has been arrested and remanded to judicial custody.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of their arrest i.e., 20.07.2022, this Court is inclined to grant bail to the petitioner.

7. 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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Thiruvottiyur and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



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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 respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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Anu



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To

1. The Judicial Magistrate Court, Thiruvottiyur
2. The Inspector of Police,
M-5 Ennore Police Sstation,
Tiruvallur District.
3. The Superintendent,
Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.



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