



CrI.O.P.No.21968 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.21968 of 2022

Wus @ Chandra Sekar.P

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-3, Aminjikarai Police Station,
Aminjikarai, Chennai 29.
(Crime No.257/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.257
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Sankara Subbu
for N.Kumar
For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.05.2022, 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 on 18.05.2022 at about 1.20p.m. at Shenoy Nagar, Chennai in front of the newly opened Amara Stores building, the petitioner along with the other accused had committed murder of one Arumugam by assaulting him with aruval and other deadly weapons, as a retaliation to the murder of one Thirunavu, who is the friend of A1. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the alleged offence is said to have taken place on 18.05.2022 and on the next day on 19.05.2022, petitioner has surrendered before the learned Judicial Magistrate, Kallakurichi and he is in custody from 19.05.2022. He would also submit that the investigation has been completed and the final



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report has also been filed and the case is taken up for trial before the 21st Additional Sessions Court, Chennai in S.C.No.293 of 2022. He would also submit that the second accused in this case, who is similarly placed as that of the petitioner, has been granted with bail and he has been regularly appearing before the Court for trial. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with the other accused, as a retaliation to the murder of one Thirunavu, who is the friend of A1, had assaulted deceased indiscriminately with aruval and other deadly weapons, causing grievous injuries and he died on the way to the hospital. He would also submit that the petitioner is a habitual offender and there are 13 previous cases as against the petitioner. He would further submit that investigation has been completed and the final report has also been filed before the learned 21st Additional Sessions Judge, Chennai in S.C.No.293 of 2022. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. In reply, the learned counsel for the petitioner would submit that the petitioner has not been convicted in any of the previous cases pending as against the petitioner. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the final report has been filed and the trial has been commenced, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned V Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:



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[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 learned trial Judge on all working days at 10.30 a.m., without fail until framing of charges and thereafter, on the date fixed by the concerned Judge and the petitioner shall also report before the respondent Police every Saturday at 5.30p.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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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To

1. The Metropolitan Magistrate No.V,
Egmore, Chennai.
2. The Inspector of Police,
K-3, Aminjikarai Police Station,
Aminjikarai, Chennai 29.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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