



Crl.O.P.No.24508 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

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

Crl.O.P.No.24508 of 2022

Sankar @ Gowri Sankar

... Petitioner

Vs.

The State represented by ,
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

(Crime No.308/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending of the case in S.C.No.274 of
2022 on the file of the learned VI Additional Session Judge, Chennai in
connection with the Crime No.308 of 2022 pending on the file of the
respondent Police.

For Petitioner : Mr.M.Yasar Arapath

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.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 120(b), r/w 302, 341 & 294(b) r/w 34 of IPC, in Crime No.308 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.05.2022, due to the previous enmity, the petitioner along with the other accused had abused the de-facto complainant's son in a filthy language and assaulted him indiscriminately with knife, due to which, he sustained grievous injuries and he died on the same day. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 19.05.2022. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to the previous enmity, the petitioner along with the other accused had committed murder of the de-facto complainant's son. He would further submit that there are 16 previous cases as against the petitioner. He would also submit that the investigation has been completed and the final report has been filed before the learned VI Additional Session Judge, Chennai and taken up on the file in P.R.C.No.274 of 2022. Hence, he opposed to grant bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that there is no previous as against the petitioner for the offence under Section 302 IPC and he would further submit that the similarly placed co-accused have been granted with bail by this Court in Crl.O.P.Nos. 21596 & 23385 of 2022, vide orders dated 08.09.2022 and 26.09.2022 respectively. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police



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and perused the materials available on record including the previous cases registered as against the petitioner.

7. Taking into consideration the facts and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioner and on considering the previous cases against the petitioner, this Court is inclined to grant bail to the petitioner.

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 XV Metropolitan Magistrate, George Town, 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 **learned VI Additional City Civil Court, Chennai**, on **all working days at 10.30 a.m.**, and report before the



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respondent Police everyday at 5.30 p.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 XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.
5. The VI Additional City Civil Court,
Chennai,



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A.D.JAGADISH CHANDIRA.,J.

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