



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25458 of 2021

M.Akash

... Petitioner

Vs.

The State rep. by
Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai-600 101.
(Crime No.685 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in connection with the Crime No.685 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Kingston Jerold

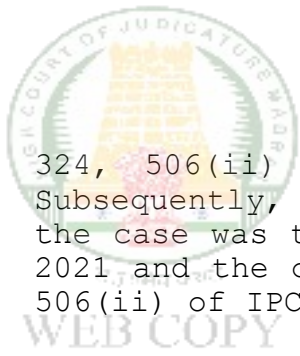
For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.11.2021 for the offence under Sections 294(b), 324, 302 and 506 (ii) of IPC, in Crime No.685 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant and his friends are studying BCA, 3rd year in the MGR University. On the date of occurrence, the petitioner and other accused entered into a wordy quarrel with the defacto complainant and his friends during which, they assaulted the de facto complainant and his friends using iron rod and stones due to which, they sustained injuries and one Magesh who is the friend of the defacto complainant sustained severe injuries. Subsequently the said Magesh was admitted in the KMC Hospital and initially the case was registered under Sections 294(b),



324, 506(ii) of IPC in Cr.No. 562/2021 by the Koyambedu Police. Subsequently, on 13.11.2021, the said Magesh died in the hospital and the case was transferred to the respondent police in Crime No.685 of 2021 and the offences were altered into Sections 294(b), 324, 302 and 506(ii) of IPC.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been suffering incarceration for more than 50 days from 15.11.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that there are totally 13 accused involved in this case and the petitioner is ranked as A6 and all accused were arrested and subsequently, A2, A3 and A9 who are Juveniles were released on bail. He would further submit that out of wordy quarrel between the young boys, the alleged occurrence had happened but admits that the investigation is almost completed.

5.On seeing the facts and circumstances of the case and that investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each out of which, one surety must be the blood relative of the petitioner, before the learned V Metropolitan Magistrate, Chennai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



TO

1 THE METROPOLITAN MAGISTRATE,
NO.V, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
V-5, THIRUMANGALAM POLICE STATION,
CHENNAI-600 101.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
/STATION HOUSE OFFICER,
TOWN POLICE STATION, TIRUVANNAMALAI.

CC to M/S.S.KINGSTON JEROLD Advocate on payment of necessary
charges

CRL OP.25458/2021

Date :06/01/2022

JPA 07/01/2022