



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

Cr1.O.P.No.25530 of 2021

1.Rajkumar @ Madhan
2.Kanagaraj

... Petitioners

Vs.

The Inspector of Police
V3 J.J. Nagar Police Station
Chennai
Crime No.12 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.86 of 2021 on the file of the IIIrd Additional Judge, Poonamallee, in Crime No.12 of 2021 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

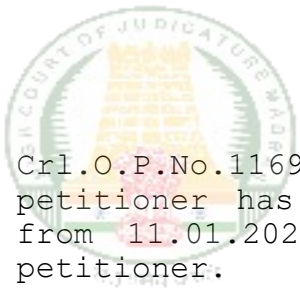
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 11.01.2021 for the offences under Sections 147, 148, 341, 506(2) and 302 IPC in Crime No.12 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.01.2021, the petitioner along with other accused attacked the brother of the defacto complainant due to which, he sustained injuries. Immediately, he was taken to hospital and thereafter, on 12.01.2021, he died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that A3 has been granted bail by this Court in



CrI.O.P.No.11692 of 2021 by order dated 08.07.2021 and that the petitioner has been suffering incarceration for more than one year from 11.01.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for respondent would raise strong objection stating that it is case of retaliation murder and if he is released on bail, there is every possibility of life threat to threat to the petitioner. Further, the petitioner has got 4 previous cases of same nature but admits that the investigation has been completed and the charge sheet has been filed and the same has been taken on file in S.C.No.86 of 2021 on the file of the III Additional Judge, Poonamallee.

5. At this juncture, the learned Counsel for the petitioner would reiterate that the petitioner has been suffering incarceration for more than one year and hence, he would pray for grant of bail to the petitioner and would submit that a direction may be issued to the trial Court to complete the trial at the earliest.

6. Considering the facts and circumstances of the case and the fact that investigation has been completed and the charge sheet has been filed and the same has been taken on file and the co-accused has been granted bail by this Court 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 a blood surety, before the learned IIIrd Additional Judge, Poonamallee, 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;





2 THE INSPECTOR OF POLICE
V3 J.J. NAGAR POLICE STATION, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary
charges SR.NO.1021

CRL OP.25530/2021

Date :24/01/2022

JPA 25/01/2022