



CrI.O.P.No.28459 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

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

CrI.O.P.No.28459 of 2022

Baskar @ Pambhu Baskar

... Petitioner

Vs.

State rep. by:

The Inspector of Police,
Nolambur, Police Station,
Crime.No.33 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending trial in S.C.No.115 of 2021
in II Addl. Dt & Ses. Judge, Tiruvallur at Poonamallee in Crime No.33 of
2021.

For Petitioner : Mr.S.N.A.Hussainy

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 05.02.2021 for the offences punishable under Sections 341, 302 & 506(ii) of IPC @ Sections 341, 302, 506(ii) of IPC and 201 of IPC in Crime No.33 of 2021 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner/A1, A2 and the deceased were friends. During a quarrel, in an inebriated mode, the accused had attacked the deceased with stone on his head. Due to which, the victim died on the spot. Further allegation is that, in order to wipe out the evidence, the accused dragged the body of the deceased and set fire to the body of the deceased with the rubbish available nearby the scene of occurrence. Hence, the case.

3. The learned Counsel for the petitioner would submit that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the respondent



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police had filed charge sheet and the same was numbered as S.C.No.115 of 2021 pending before the learned II Additional District and Sessions Judge, Tiruvallur at Poonamallee and the charges were framed on 03.03.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.side) appearing for the respondent would submit that the petitioner/A1, A2 and the deceased were friends. During a quarrel, in an inebriated mode, the accused had attacked the deceased with stone on his head. Due to which, the victim died on the spot. Further allegation is that, in order to wipe out the evidence, the accused dragged the body of the deceased and set fire to the body of the deceased with the rubbish available nearby the scene of occurrence. He would further submit that there is one previous case pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.side) for the respondent and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and also the period of incarceration of the petitioner, 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.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of **learned Additional District Judge II at Poonamallee** 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 trial Court on all working days at 10.30 a.m., until further orders;

[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;



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[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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mpl



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A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The Additional District Judge II
at Poonamallee.
2. The Inspector of Police,
Nolambur, Police Station.
3. Central Prison
Puzhal II Chennai.
4. The Public Prosecutor,
High Court of Madras.

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