



Crl.O.P.No.1800 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2023

CORAM :

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

Crl.O.P.No.1800 of 2023

A.Sakthivel,
S/o.Arumugam

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
J-1 Saidapet Police Station,
Saidapet, Chennai
(Crime No.419 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.419 of 2022 pending on the file of respondent police.

For Petitioner : Mr.G.Ruthra Kumar

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.12.2022 for the alleged offence under Section 147, 342, 302 of I.P.C. in Crime No.419 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.12.2022, the petitioner along with other accused brutally assaulted the deceased with iron rod, thereby he sustained serious injuries and when he was taken to hospital by his relatives, he was declared as dead. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there is no specific overtact attributed against the petitioner and he has not at all committed any offence as alleged by the respondent police. He would submit that he is no way connected with the occurrence and co-accused was released on bail by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 40 days from 20.12.2022. Hence, he prayed to grant bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 10 accused involved in this case and the petitioner is arrayed as A6. He would submit that on the date of occurrence, the deceased, who is aged about 23 years was attacked by building contractor, supervisor and others, in which, the petitioner, who is a site engineer also attacked him, thereby he sustained serious injuries, due to which he died on the way to hospital. He would also submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is at the preliminary stage. He would submit that no previous case pending against him and co-accused was released on bail by this court. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that there is no previous case against the petitioner and co-accused was released on bail and considering the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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6. Accordingly, the petitioner is **directed to deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) into the credit of Crime No.419 of 2022 before the concerned Magistrate from the date on which, the order is made ready and the parents of deceased are permitted to withdraw the said deposit amount on proper identification and acknowledgement** and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, for a like sum to the satisfaction of the **learned IX Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police on every Wednesday and Saturday at 10.30 a.m. for the period of eight weeks;



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(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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1. The IX Metropolitan Magistrate, Saidapet, Chennai.
2. Inspector of Police,
J-1 Saidapet Police Station, Saidapet, Chennai.
3. The Superintendent of Prison,
Puzhal Central Prison, Chennai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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