



Crl.O.P.No.9462 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9462 of 2023

Sekar @ City Sekar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D-4, Zam Bazaar Police Station,
Chennai.

(Crime No.122 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with S.C.No.176 of
2023, on the file of the learned II Additional Sessions Judge, Chennai.

For Petitioner : Mr.Ilayaraja Kandasamy

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 18.08.2022, in S.C.No.176 of 2023, in connection with Crime No.122 of 2022 registered for the offences under Sections 147, 148, 341, 324, 302 of IPC r/w 34 of IPC @ 147, 148, 341, 324, 302 of IPC r/w 120(B) & 34 of IPC, seeks bail.

2. The case of the prosecution is that due to the previous enmity between two rival gangs, the accused have unlawfully assembled and assaulted the de-facto complainant's husband with knife, due to which, he sustained grievous injuries and later, he was taken to the hospital, where, he was declared brought dead. Hence, the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He further submitted that based on the confession statement recorded from the co-accused, the petitioner has been implicated in this case. He also submitted



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that the petitioner was arrested on 18.08.2022 and subsequently, he was detained under Act 14, whereas, the detention order was quashed by this Court in H.C.P.No.2069 of 2022 vide order dated 10.04.2023. He also submitted investigation in this case has been completed and the case has also been committed to Court of Sessions and taken up on file in S.C.No.176 of 2023 pending on the file of the learned II Additional Sessions Judge, Chennai. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case of murder committed on account of the gang rivalry in respect of selling ganja. He further submitted that the petitioner (A12) along with other accused has unlawfully assembled and committed murder of the de-facto complainant's son by assaulting him with deadly weapons and escaped from the scene of occurrence. He also submitted that the investigation in this case has been completed and the case has been taken on the file of the learned II Additional Sessions Judge, Chennai in S.C.No.176 of 2023. He also submitted that there are 13 accused in this case and all the accused are taking turns and not appearing before the trial Court and preventing the trial Court from framing of charges. He further



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submitted that as far as this petitioner is concerned, 9 previous cases registered for the offence under NDPS Act are pending as against him. Hence, he opposed for grant of bail to the petitioner.

5. In reply, the learned Counsel for the Petitioner submitted that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court and also ready to furnish sufficient sureties and also undertakes that he is ready to appear before the trial Court on all working days. Hence, he prayed to grant bail to the petitioner.

6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the undertaking given by the petitioner and also considering the period of incarceration undergone by this petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties (who should be the relatives of the petitioner)**, each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, Egmore, 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 appear before the **learned II Additional Sessions Judge, on all working days at 10.30 a.m., till framing of charges and thereafter, on the dates fixed by the learned trial Judge;**

[c] the petitioner shall also report before the **respondent Police, on the first Saturday of every month at 06.30 p.m., until further orders;**

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.04.2023

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To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The II Additional Sessions Judge,
Chennai.
3. The Inspector of Police,
D-4, Zam Bazaar Police Station,
Chennai.
4. The Central Prison,
Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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