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CrI.O.P.No.10844 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.10844 of 2023

A.Selvakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-7, Avadi Tank Factory Police Station,
Avadi, Chennai.

(Crime No.126 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in pending investigation in Crime
No.126 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.Murali Vinodh

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.03.2023, for the offence punishable under Sections 147, 148, 302 and



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506(ii) of IPC, in connection with Crime No.126 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Sura was murdered by the deceased and his friends in the year 2016. Aggrieved over the same, A1, A2 and the petitioner joined together, attacked the deceased with knife, as a result of which, the deceased succumbed to injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has nothing to do with the alleged offence. He further submitted that even as per the prosecution, A1 and A2 are co-accused and they have been detained under Act 14 and there is no specific overtact attributed as against the petitioner. He also submitted that the petitioner is in custody from 04.03.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that due to previous enmity, A1, A2 and the petitioner joined together, attacked the deceased with knife, as a result of which, the deceased succumbed to injuries. He also submitted that the



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investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the period of incarceration undergone by the petitioner and also of the fact that there is no specific overtact attributed as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 Judicial Magistrate, Ambattur** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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, daily 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;

[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.

10.05.2023

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To

1. The Judicial Magistrate,
Ambattur.
2. The Inspector of Police,
T-7, Avadi Tank Factory Police Station,
Avadi, Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J

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