



Crl.O.P.No.11612 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

Crl.O.P.No.11612 of 2023

Saravanan

... Petitioner

Vs.

State rep by
The Inspector of Police,
K1, Sembium Police Station,
Chennai – 11.
Crime No.570 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.419 of 2022 pending on
the file of II Additional Sessions Judge, Chennai pending Trial.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 15.09.2022 for the offences punishable under Sections 120(B), 342, 147, 148, 364 and 302 of IPC r/w 149 of IPC, in Crime No.570 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Saravanan is that due to previous enmity, the petitioner along with other accused in an inebriated condition, assaulted the brother of the defacto complainant with Aruval due to which, he died. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was arrested and remanded to judicial custody on 15.09.2022 and thereafter, he was detained under Act 14 pursuant to the order of the Commissioner of Police, Greater Chennai dated 21.10.2022 and subsequently, the detention order was revoked. He further submitted that the investigation has been completed and the final report has been filed and the same has been taken on file in S.C.No.419 of 2022 on the file of the II Additional Sessions Judge, Chennai. He would further submit



that there is no previous case against the petitioner and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that the petitioner committed murder of the brother of the defacto complainant during a funeral procession by inflicting injuries with knife. However, there is no previous case against the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and also of the fact that the case has been taken on file in S.C.No.419 of 2022 on the file of the II Additional Sessions Judge, Chennai, this Court is inclined to grant of bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with **two sureties**, each for a like sum to the satisfaction of the **learned II Additional Sessions Judge, 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 report before the II Additional Sessions Judge, Chennai, on all working days at 10.30 a.m. for a period of three weeks and thereafter, on the dates fixed by the learned Judge;

[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 petitioners 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]***;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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To

1. The II Additional Sessions Judge, Chennai.
2. The Inspector of Police,
K1, Sembium Police Station,
Chennai – 11.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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