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CrI.O.P.No.14695 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

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

CrI.O.P.No.14695 of 2023

1.Baskar
2.Karthik

... Petitioners

Vs.

State rep by
The Inspector of Police
D6, Anna Square Police Station,
Chennai
Crime No.81 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.81 of 2023 on the file
of the respondent Police.

For Petitioners : Mr.A.Murugavel

For Respondent : Mr.S.Vinoth Kumar
Government Advocate

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 21.04.2023, for the offences punishable under Sections 147, 148,



294(b), 307, 302 and 506(2) of IPC in Crime No.81 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant / Aravind is that on 20.04.2023, he along with his friends had gone to Marina beach and while returning, they had misplaced a helmet in the shop and after sometime, they had gone to the said shop for taking the helmet, during such time, there was a quarrel and the accused, who are the nearby shop keepers, formed into an unlawful assembly and assaulted the defacto complainant and his two friends with wooden log and iron pipe, due to which, the defacto complainant and one Sanjay had sustained grievous injuries and unfortunately, one Vignesh succumbed to the injury. Hence the case.

3. The learned counsel for the petitioners would submit that this is the second application for bail filed by the petitioners and the earlier application for bail was dismissed by this Court on 08.06.2023 on the ground that the investigation was at the initial stage and the identification parade has not been completed. He would further submit that as on date, the major part of the investigation has been completed and the identification parade has also been conducted. He would also submit that the petitioners are ready to abide



by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that there are totally 10 accused in this case and the petitioners along with other accused had indiscriminately assaulted the defacto complainant and his two friends with wooden log and iron pipe, due to which, the defacto complainant and one Sanjay had sustained grievous injuries and one of his friend namely Vignesh succumbed to the injury. He would further submit that the major part of the investigation has been completed and test identification parade has also been conducted and the petitioners have been identified by the victims. However, he opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent police and perused the 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, the period of incarceration undergone by the petitioners and that the major part of the



investigation has been completed, this Court is inclined to grant of bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 II Metropolitan Magistrate, Egmore** 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial



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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.

04.07.2023

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To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police
D6, Anna Square Police Station,
Chennai
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,



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