



Crl.O.P.No.11108 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Crl.O.P.No.11108 of 2024

Rohith @ Pandiyan

...Petitioner

Vs.

State represented by
The Inspector of Police,
B5, Manavala Nagar Police Station,
Thiruvallur District.
(Crime No.88 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.88 of 2024 on the file of the respondent Police.

For petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.02.2024 for the offences originally registered by the respondent



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Police under Section 174 of Cr.P.C, and later, altered to Sections 294(b) and 304(ii) of IPC, in Crime No.88 of 2024 on the file of the respondent, seeks bail.

2. It is stated that on 09.02.2024, one Gosh Bash who is working as a VAO Polivakkam Village lodged a complaint before the respondent police station stating that based on the information, he had visited the Thiruvallur Government Hospital, where he came to know that the petitioner along with other accused have abused and attacked the deceased person and caused grievous injuries to him and subsequently, he died.

3. It is stated by the learned Government Advocate (Crl.side) that when the petitioner along with other accused go to drink near TCL Company near bus stop, where this person/deceased sit in the bench, the petitioners and others have abused and assaulted the deceased and escaped from the scene of occurrence.



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4.The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. He further stated that the co-accused had been granted bail by this Court in Crl.O.P.Nos.8991 and 10991 of 2024 respectively.

5.Taking the period of incarceration into consideration and the investigation has been practically completed and also of the fact that the co-accused had been granted bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, 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 Judicial Magistrate-II, Thiruvallur 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.



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[b] the petitioner shall report before the respondent Police, everyday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

08.05.2024

Vv

To

- 1.The Judicial Magistrate-II,
Thiruvallur.
2. The Central Prison, Puzhal.
- 3.The Inspector of Police,
B5, Manavala Nagar Police Station,
Thiruvallur District.
- 4.The Public Prosecutor,



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High Court of Madras.

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K. KUMARESH BABU. J.

Vv

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