

CRL.O.P.Nos.12918 & 13616 of 2016

S.VAIDYANATHAN, J.

The petitioner in Cr.O.P.No.12918 of 2016, who was arrested and remanded to judicial custody on 17.04.2016 and the petitioner in Crl.O.P.No.13616 of 2016, who was arrested and remanded to judicial custody on 20.04.2016, for the alleged offences punishable under Sections 302, 307 r/w.147, 452, 302 and 307 IPC in Crime No.407 of 2016 on the file of the respondent police, **seeks bail.**

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side).

3. The petitioners are arrayed as A4 and A7 respectively. The case of the prosecution is that the petitioners along with other accused are alleged to have attacked the deceased with lethal weapons indiscriminately and caused his death.

4. Learned counsel for the petitioner submitted that he is no way connected with the offence and his name was not found in F.I.R. and he has been falsely implicated in this case. He further submitted that he is in custody for more than 90 days and that he may be released on bail.

5. Learned Government Advocate (Crl. Side) submitted that the respondent police has filed charge sheet in this case and the case is pending before Judicial Magistrate No.I, Tirupur.

6. Considering the facts and circumstances of the case and taking note of the fact that the charge sheet has been filed in this case and considering the period of incarceration of the petitioner, **the petitioners are ordered to be released on bail subject to the following conditions:**

(i) Each petitioner shall execute a 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 Judicial Magistrate No.I, Tirupur.

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(ii) the petitioners are directed to appear before the Judicial Magistrate No.I, Tirupur on all the hearing dates.

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) the petitioner shall not leave Tamilnadu till the final decision of the courts below and also without the permission of the trial court during the pendency of the proceedings.

(vi) on breach of any of the aforesaid conditions, the 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 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]**.

7. The Judicial Magistrate No.I, Tirupur is expected to conduct the proceedings on a day-to-day basis, without adjourning the case beyond four working days at any point of time and after the case is committed, the Sessions Judge is also expected to follow the same pattern for adjournment and dispose of the case, as early as possible.

20.07.2016

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