

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18172 of 2018

BABU

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.
CR.NO.246 OF 2018

For Petitioner : M/S.K.SELVARANGAN Advocate

For Respondent : M/S.R.SURYA PRAKASH GOVT.ADVOCATE

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who surrendered before the learned Judicial Magistrate No.11, Hosur, on 27.06.2018 for the offence under Sections 304 (ii) I.P.C. @ 147, 302 I.P.C. in Cr.No.246 of 2018 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that initially the law enforcing agency registered the case under Section 304 I.P.C. and subsequently it was altered to Sections 147 and 302 of I.P.C. The alleged occurrence took place on 31.05.2018 at about 5.00 p.m. The deceased person was alleged to have been attacked by some unknown persons including the petitioner on suspicion that he is a child kidnapper. Based on the complaint given by the Village Administrative Officer, Onnalvadi, the case was registered.

3.The learned counsel appearing for the petitioner would submit already the co-accused was released on bail by the lower Court in Cr1.M.P.No.973 of 2018 on 20.07.2018. He would further submit that the petitioner on knowing that the law enforcing agency is searching him on suspicious grounds surrendered before the learned Judicial Magistrate No.11, Hosur and thereafter remanded to judicial custody on 27.06.2018.

4.The learned Additional Public Prosecutor does not dispute the above said facts.

5.Considering the fact of the case, I am inclined to grant bail to the petitioner.

6.Since the Co-accused has already been released on bail, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Hosur and on further condition 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 respondent police, daily at 10.30 a.m. until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE II,
HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
HOSUR,
KRISHNAGIRI DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

+1CC to M/S.K.SELVARANGAN Advocate on payment of necessary
charges SR.NO. 14611

CRL OP.18172/2018

Date :07/08/2018

cm 07/08/2018



WEB COPY