

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2020

CORAM :

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

Crl.O.P.No.10070 of 2020

Kumar

... Petitioner

Vs.

The State rep. by  
Inspector of Police  
Uddanapalli Police Station  
Krishnagiri District  
(Crime No.258 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.258 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.05.2020 for the offence punishable under Sections 147, 148, 302 @ 147, 148, 302 r/w 120(B) IPC in Crime No.258 of 2020, seeks bail.

2. The case of the prosecution is that there was enmity between the deceased and the accused due to illicit quarrying, due to which, on 13.05.2020 at about 18.45 hours, the accused persons joined together and assaulted the deceased with knife, wooden log and hands, resulting in the death of the deceased.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Since the petitioner happened to be the friend of the other accused, the case has been foisted against him and the petitioner's name also does not find place in the F.I.R. and there is no previous case against the petitioner. The petitioner was arrested on 16.05.2020 and the major part of the investigation is over.

4.The learned Government Advocate (Crl. Side) would submit that due to previous enmity in respect of illicit quarrying, the petitioner along with other accused persons committed the murder of the deceased. The specific overt act against the petitioner is that

at his instigation, other accused persons have committed the murder of the deceased. He would further submit that there is no previous case against this petitioner.

5. Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.II, Hosur, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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 Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

07/07/2020

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,  
NO.II, HOSUR.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
UDDANAPALLI POLICE STATION,  
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.10070/2020

Date :07/07/2020

RVR 02/09/2020

WEB COPY