

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2020

CORAM :

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

Crl.O.P.No.11020 of 2020

[*]1.Kutti @ Venkatraj @ Boddiyappa

S/O.Marappa

2.Harish

S/O.Appojiyappa

3.Muniraj

S/O.PATTELAPPA

4.Srinivasan

S/O.Chikka Muniyappa

5.Madesh

S/O.SIKKANA

... Petitioners

Vs.

STATE REP BY
THE 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 petitioners on bail in Crime No.258 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.D.Gopi Krishnan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)
[IN CRL.OP.NO.11020 OF 2020]

For Respondent : MR.K.PRABAKAR
ADDITIONAL PUBLIC PROSECUTOR
[IN CRL.MP.NO.4813 OF 2020
IN CRL.OP.NO.11020 OF 2020]

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 16.05.2020 for the offences punishable under Section 147, 148, 302 IPC @ 147, 148, 302 and 120(B) IPC in Crime No.258 of 2020, seek bail.

2. The case of the prosecution is that there was enmity between the deceased and the accused persons due to illicit quarrying, 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 petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Since the petitioners happened to be the friend of the other accused, they have been roped in. The petitioners were arrested on 16.05.2020 and the major part of the investigation is over. He would further submit that the co-accused in this case have been granted bail by this Court in CrI.O.P.No.10070 of 2020 vide order dated 07.07.2020 and in CrI.O.P.No.10671 of 2020 vide order dated 17.07.2020 and CrI.O.P.No.10924 of 2020 vide order dated 22.07.2020. These petitioners are also similarly placed persons.

4. The learned Government Advocate (CrI. Side) would submit that due to previous enmity in respect of illicit quarrying, the petitioners along with other accused committed the murder of the deceased. He would further submit that the co-accused in this case have been granted bail by this Court in CrI.O.P.No.10070 of 2020 vide order dated 07.07.2020 and in CrI.O.P.No.10671 of 2020 vide order dated 17.07.2020. and CrI.O.P.No.10924 of 2020 vide order dated 22.07.2020.

5. Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and also considering the fact that this court has granted bail to the co-accused in CrI.O.P.No.10070 of 2020 vide order dated 07.07.2020 and in CrI.O.P.No.10671 of 2020 vide order dated 17.07.2020 and CrI.O.P.No.10924 of 2020 vide order dated 22.07.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners 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 a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

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

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

(g) the petitioners 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/-
27/07/2020

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.

[*]Amended as per order of this Court dated 17/08/2020 made in CRL.MP.NO.4813 OF 2020 IN CRL.OP.NO.11020 OF 2020

TO

1 THE JUDICIAL MAGISTRATE NO.II,
HOSUR, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

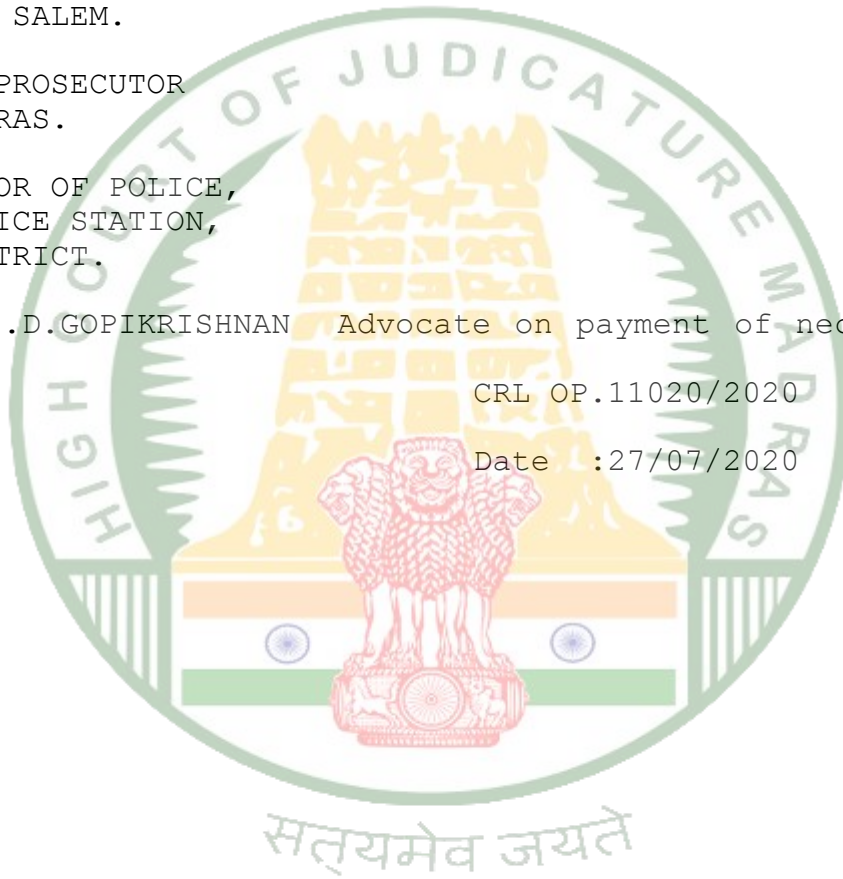
CC to M/S.D.GOPIKRISHNAN Advocate on payment of necessary
charges

CRL OP.11020/2020

Date :27/07/2020

MK:20/08/2020

MK:03/09/2020



WEB COPY