

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2020

CORAM :

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

CRL.O.P.No.16363 of 2020

1.Agilan

2.Jegadeshwaran

... Petitioners

Vs.

State: Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
(Crime No.665 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with Crime No.665 of 2020 on the file of the respondent.

For Petitioners : Mr.M.P.Saravanan

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

O R D E R

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 04.08.2020 for the offences punishable under Section 302, 120(B), 109, 34 of IPC, in Crime No.665 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Vikram, who is the friend of the deceased is that on 02.08.2020 due to previous enmity, the petitioners have committed the murder of the deceased Pawnraj. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Even as per the prosecution, the deceased is said to have outraged the modesty of the mother of one Tendulkar, who is arrayed as A2 in this case and the petitioners have been falsely implicated in this case. He would submit that the petitioners have been suffering incarceration from 04.08.2020.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioners along with other accused had committed the murder of one Pawnraj. He would further submit that it is a pre-planned murder and that the petitioners have asked the deceased to come to a particular place and thereafter committed the murder. He would further submit that the petitioners are the History Sheetters and there are three previous

cases pending against each of the petitioners. He would further submit that investigation has been completed and a final report has been filed before the learned Judicial Magistrate No.II, Krishnagiri and the same is yet to be taken on file.

5.Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioners and taking into account of the fact that the investigation has been completed and final report has also been filed before the learned Judicial Magistrate No.II, Krishnagiri, 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 a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No-II, Krishnagiri, and on further conditions that:

(b) 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;

(c) the petitioners on their release from prison shall report before the learned Judicial Magistrate No.II, Krishnagiri on all working days at 10.30 a.m. and report before the respondent police everyday at 5.30 p.m. until further orders.

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

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

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

(g) 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];

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

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

-sd/-

29/10/2020

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, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.16363/2020

Date :29/10/2020

RVR 02/11/2020

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