

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5193 of 2021

Sandamma

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
(Crime No.669 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.669 of 2020 on the file of the respondent police.

For Petitioner : Mr. M.Jayachandran

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 11.01.2021 for the offence punishable under Sections 147, 148, 294 (b), 323, 341 and 302 of IPC in Crime No.669 of 2020, seeks bail.

2. Totally there are 7 accused and the petitioner is arrayed as A6. The case of the prosecution is that earlier, the deceased, in an inebriated mood attacked A1's father and caused serious injuries to him. Due to the said enmity, on the date of occurrence, all the accused conspired together and attacked the deceased indiscriminately and caused serious injuries to him and also tied him in a pillar and thereafter, the father of the deceased took him to his house. On the next day, the defacto complainant took the deceased to the hospital, where, he declared dead. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the the main allegation is only as against A1. Since this petitioner is

the close relative of A1, he has been implicated in this case. He is no way connected with the offence. He is in jail from 11.01.2021. He would further submit co-accused in this case was already released on bail. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner along with other accused tied the deceased in a pillar and brutally attacked him. Due to the same, he died on the next day. She would further submit that investigation is almost completed.

5. Considering the facts and circumstances of the case, and the fact that there is no specific overtact attributed as against the petitioner and investigation is almost completed and co-accused in this case was already released on bail and also considering the period of incarceration suffered by the petitioner, 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 condition to execute 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 learned District Munsif cum Judicial Magistrate, Denkanikottai, 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 petitioner, on release from the prison, shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

(f) the petitioner 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 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];

(h) 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/-
16/03/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

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

सत्यमेव जयते CRL OP.5193/2021

Date :16/03/2021

EP-17/03/2021

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