

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.5814 of 2021

Venu @ Venugopal

... Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.669 of 2020 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 11.01.2021 and remanded to judicial custody for the offences under Sections 302, 341, 147, 148, 294(b), 323 of IPC in Cr.No.669 of 2020 on the file of the respondent police, seeks bail.

2. Totally there are 7 accused and the petitioner is arrayed as A1. The case of the prosecution is that earlier to the occurrence, 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 to 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 was declared dead. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner submits that the main allegation is only against A2. Since this petitioner is a close relative of A1, he has also been implicated in this case. He is in no way connected with the offence and that the petitioner has been in jail from 11.01.2021. Therefore, he prays to grant bail to the petitioner.

the grant of bail by stating that the petitioner along with other accused tied the deceased to a pillar and brutally attacked him. Due to the same, the deceased died on the next day. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that no specific overt act has been attributed as against the petitioner and also the fact that investigation is almost completed 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:

6. Accordingly, 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 DM CUM Judicial Magistrate, Denkanikottai 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/-

09/04/2021

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.

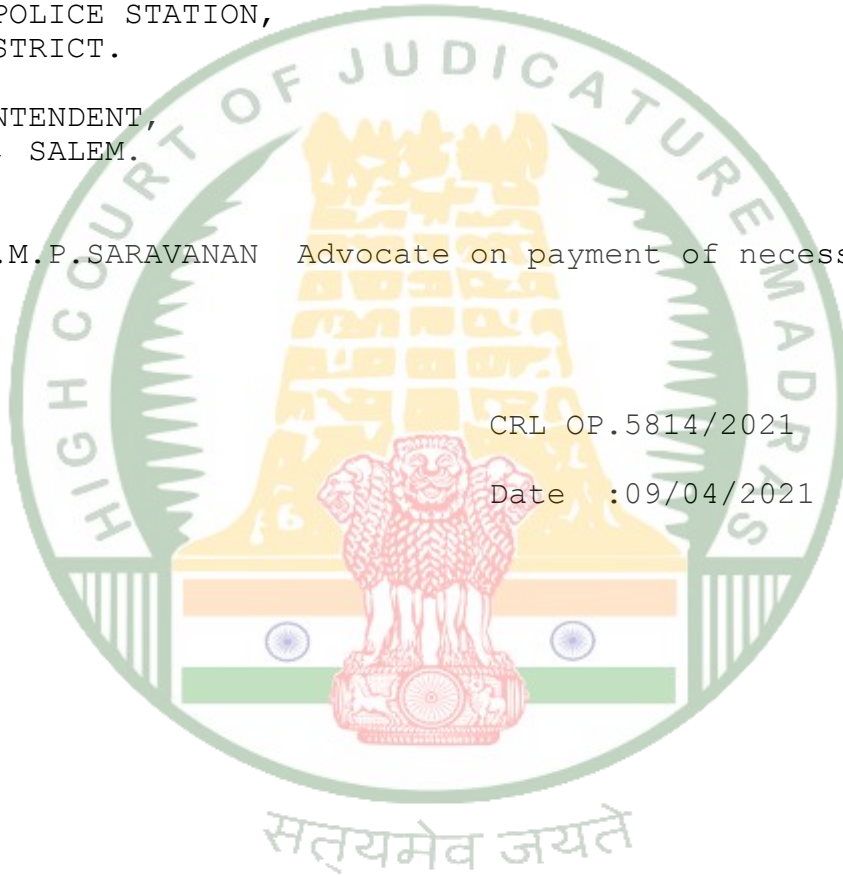
5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.5814/2021

Date :09/04/2021

MN-09/04/2021



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