

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.7844 of 2021

M. Rajiv @ Raju

... Petitioner

Vs.

State represented by its,  
The Inspector of Police,  
Jolarpet Police Station,  
Tirupattur, Tirupattur District.  
(Crime No.38 of 2021)

... 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.38 of 2021 on the file of the respondent.

For Petitioner : M/s. Karan and uday

For Respondent : Mrs.M.Prabhavathi  
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 22.02.2021 and remanded to judicial custody for the offences under Section 302 of I.P.C in Cr.No.38 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are 2 accused in this case and the petitioner herein arrayed as A1. The case of the prosecution is that the petitioner is the brother of the first wife of the deceased and the defacto complainant is the second wife of the deceased. It is alleged that due to previous enmity the petitioner murdered the deceased. Hence, the law enforcing agency registered a case against the petitioner and other accused.

3. The learned counsel for the petitioner submits that the petitioner is the brother of the first wife of the deceased and she is no more, hence the petitioner has no contact with the deceased family and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner in no way connected with the offence and that the petitioner has been in jail from 22.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the due to previous enmity the petitioner murdered the deceased. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that the 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 Judicial Magistrate No.I, Tirupattur District 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/-

26/04/2021

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 JUDICIAL MAGISTRATE,  
NO.I, TIRUPATTUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE  
JOLARPET POLICE STATION, TIRUPATTUR,  
TIRUPATTUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE

CC to M/s. Karan and uday Advocate on payment of necessary  
charges

CRL OP.7844/2021

Date :26/04/2021

RVR 26/04/2021



WEB COPY