

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.8340 of 2021

Narendranath

... Petitioner

Vs.

State: Inspector of Police,
Mathigiri Police Station,
Krishnagiri Taluk,
Hosur, Tamil Nadu.
(Crime No.8 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner/accused on bail pending investigation in Crime No.8 of 2021 on the file of the respondent police.

For Petitioners : Mr.N.Srinivasa Raghavan

For Respondent : Ms.P.Kritika Kamal
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 31.03.2021 for the offences under Sections 120(b), 294(b), 307, 379 and 506(ii) of IPC in Cr.No.8 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner (A4) along with other accused abused the defacto complainant and attacked him and caused grievous injuries. Based on the complaint lodged by the defacto complainant, the law enforcing agency registered the case against the petitioner and other accused persons.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 31.03.2021. The learned counsel further submitted that the co-accused was already released on bail by this Court. 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 petitioner along with other accused attacked the defacto complainant and caused grievous injury to him due to previous enmity. She further submitted that the injured has been discharged from the hospital and investigation is almost completed.

5. Taking into consideration the fact that investigation is almost completed and the injured discharged from the hospital and also considering the period of incarceration suffered by the petitioner and the co-accused was released on bail, 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.II Hosur 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 petitioners 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/-

30/04/2021

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.II, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
MATHIGIRI POLICE STATION,
KRISHNAGIRI TALUK, HOSUR,
TAMILNADU.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.N.SRINIVASA RAGHAVAN Advocate on payment of necessary charges Sr.5733

CRL OP.8340/2021

Date : 30/04/2021

RVR 03/05/2021

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