

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Date : 13.05.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP. No.9192 of 2021

1. Panamali Harijan @ Raghul ... Petitioners/Accused Nos.1 & 2
2. Pooja Harijan

Vs

State Rep. By ... Respondent/Complainant
The Inspector of Police,
M-4, Redhills Police Station,
Chennai District.
Crime No.16 of 2021.

For Petitioner : M/s.D.Manoj Kumar, Advocate.

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the Petitioners on bail in PRC. No.9 of 2021 pending on the file of the learned Judicial Magistrate-II, Ponneri.

ORDER

The petitioners, who were arrested on 18.01.2021 for the offences punishable under Section 302 IPC now altered as under Sections 114, 302 & 341 of IPC in Crime No.16 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased and the petitioners were working in a Mill and it appears that the deceased made some advances to the wife of the 1st accused, who is the second accused in this case. As a result, A1 is said to have stabbed the deceased, which resulted in death of the deceased

3.The learned counsel for the petitioner submitted that the petitioners are innocent and they are in custody from 18.01.2021 and he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent opposed this petition and submitted that investigation is over and the charge sheet is taken on file in PRC No.9 of 2021 before the learned Judicial Magistrate-I, Ponneri. Both the petitioners are from Odissa and there is no guarantee for their appearance for facing trial when they are released on bail.

5. Taking note of the rival submissions made, this Court is of the view that it is true that the petitioners are from Odissa but it cannot be a reason for refusing the petition for bail and taking note of the fact that the investigation has been completed, charged sheet has also been filed in PRC No.9 of 2021 and the petitioners are in judicial custody from 18.01.2021, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing separate 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 Judicial Magistrate-II, Ponneri 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 petitioners shall report before the respondent police daily at 10.30 am., until further orders and the petitioners shall also appear before the learned Judicial Magistrate-I, Ponneri at 10.30 am. on first working day of every English calender month till the disposal of the trial.**
- c) the petitioners shall not abscond either during investigation or trial.
- d) the petitioners shall not tamper with evidence or witness 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]**.

f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
13/05/2021

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, PONNERI.

2 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE
M-4, REDHILLS POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+2 CC to M/S.D.MANOJKUMAR Advocate on payment of necessary charges SR.NO.6118

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Date :13/05/2021

TA-17/05/2021

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