

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.9183 of 2021

P.Manikandan

... Petitioner/Accused No.3

Vs

State Rep. By
Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
Crime No.107 of 2021.

... Respondent/Complainant

For Petitioner : M/s.V.C.Arun Advocate.

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

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

PRAYER :- To enlarge the Petitioner/Accused No.3 on bail in Crime No.107 of 2021 on the file of the respondent police.

ORDER

The petitioner, who was arrested on 03.03.2021 for the offences punishable under Sections 302 IPC in Crime No.107 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased and the accused in this case are friends. The deceased said to have taken the cell phone of the first accused and started flirting with the lover of A1. As a result of this, the petitioner along with other accused murdered the deceased.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and the co-accused has already been released on bail by this Court in Crl.OP.No.6458 of 2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent opposed this petition and however, he submitted that investigation in this case is almost completed.

5. Taking note of the fact that investigation is almost completed and co-accused has already released on bail and the fact that the petitioner is in judicial custody from 03.03.2021, this Court is inclined to grant bail to the petitioner.

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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthangarai 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 am., until further orders.

c)the petitioner shall not abscond either during investigation or trial.

d)the petitioner 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,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. V.C.ARUN Advocate on payment of necessary charges

CRL OP.9183/2021

Date :13/05/2021

MN-17/05/2021

सत्यमेव जयते

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