

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.9767 of 2021

Boopathi

... Petitioner

Vs.

State Rep By

The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.

Crime No.235 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.235 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.E.Raj Thilak
Counsel appearing for
Government of Tamil Nadu
(CrI side)

O R D E R

The petitioner who was arrested on 07.05.2021 and remanded to judicial custody for the offences under Sections 294(b), 307 and 506(ii) of IPC altered into Sections 294(b), 302 and 506(ii) of IPC in Cr.No.235 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons had abused and attacked the deceased with wooden log and thereby caused injuries and threatened him with dire consequences and subsequently, the deceased succumbed due to the injuries sustained by him.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 07.05.2021. He would further submit that the deceased had entered into the house of the petitioner's relative in a drunken mood and caused problem. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Cr1.Side) would submit that the investigation is almost completed. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Having regard to the nature of allegations and considering the fact that the substantial investigation is over, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Coimbatore in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate No.I, Gobichettipalayam. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate No.I, Gobichettipalayam .

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. The petitioner shall not interfere, influence or cause hindrance to the pending investigation.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(e) the petitioner shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/06/2021

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,
GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
GOBICHETTIPALAYAM POLICE STATION,
ERODE DISTRICT.

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

CRL OP.9767/2021

Date :03/06/2021

MK:04/06/2021