

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10364 of 2021

1.K.A.Sathiyamoorthi
2.Vadivel
3.Chinnusamy

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Malayampalayam Police Station,
Erode District.
(Crime No.98 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.98 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested on 01.05.2021 for the offence under Section 302 of IPC in Cr.No.98 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners along with the other accused had attacked the defacto complainant's brother, due to which, he died. The petitioners are ranked as A1, A5 and A6 in the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He would further submit that A4 in the case has already been granted

bail by the learned Principal District and Sessions, Erode in Crl.M.P.No.859 of 2021 on 09.06.2021.

4.Heard the submissions made by the learned Government Advocate (Crl. Side).

5.Considering the period of incarceration undergone by the petitioners and the fact that the co- accused has already been granted bail by the lower Court, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on the following conditions:

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

(b) within a period of four weeks after the release, the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kodumudi;

(c) in case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioners are permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated;

(d)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;

(e)the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(f)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g)the petitioners shall not abscond either during investigation or trial;

(h) 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 petitioners 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;

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

-sd/-

14/06/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KODUMUDI.

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,
MALAYAMPALAYAM POLICE STATION,
ERODE DISTRICT.

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

CRL OP.10364/2021

Date :14/06/2021

cs 17/06/2021