

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11982 of 2021

Ashik

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Thally Police Station,
Krishnagiri District.
(Crime No.70 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 connection with Crime No.70/2021 on the file of respondent police.

For Petitioner : Mr.G. Pavendhan

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

ORDER

The petitioner who was arrested on 15.04.2021 and remanded to judicial custody for the offences under Section 302 of IPC in Cr.No.70 of 2021 on the file of the respondent police, seek bail.

2. Totally there are three accused in this case and the petitioner herein arrayed as A2. The case of the prosecution is that the petitioner along with other accused persons murdered the husband of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioner was in jail from 15.04.2021. He further submits that this Court has already granted bail to the co-accused in CrI.O.P.No.11159 of 2021 dated 02.07.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that the petitioner along with other accused have murdered the husband of the defacto complainant. He further submits that

there is no previous case pending against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and this Court had already granted bail to the co-accused in CrI.O.P.No.11159 of 2021 dated 02.07.2021 and also the present COVID-19 pandemic situation, 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, Salem, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Dhenkanikottai, Krishnagiri District.

(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 petitioner is permitted to file appropriate petition within a period of four week 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(g) the petitioner 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 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]; and;

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

-sd/-
13/07/2021

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,
DHENKANIKOTTAI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THALLY POLICCE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. G. Pavendhan Advocate on payment of necessary charges
SR.NO. 7320

WEB COPY

CRL OP.11982/2021

Date :13/07/2021

MN-14/07/2021