

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11159 of 2021

1. Lakshmipathi
2. Dhilip

... Petitioners

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 petitioners on bail in connection with Crime No.70/2021 on the file of respondent police.

For Petitioners : Mr.R.Sankarasubbu

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

ORDER

The petitioners who were 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. The case of the prosecution is that the petitioners along with other accused persons had murdered the husband of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 15.04.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that the petitioners along with other accused persons had murdered the husband of the defacto complainant. He further submits that there is no previous case pending against the petitioners. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) each of 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 petitioners are confined and on such execution the petitioners shall be released from prison;

(b) Within a period of four weeks after the release, each of 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.

(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 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/-
02/07/2021

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.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THALLY POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.R.SANKARASUBBU Advocate on payment of necessary charges

CRL OP.11159/2021

Date :02/07/2021

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TA-05/07/2021