



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11383 of 2021

Elumalai

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Sathiyamangalam Police Station,
Villupuram District.
(Crime No.315 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.315 of 2021 pending on the file of the respondent.

For Petitioner : Mr.K.T.S.Sivakumar

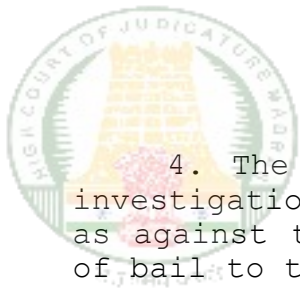
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 19.06.2021 and remanded to judicial custody for the offences under Sections 294(b), 323, 324, 506(ii) and 306 of IPC, in Crime No.315 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused passed urine in the defacto complainant daughter's house, when the same was questioned by the defacto complainant's son, for which, the petitioner along with other accused person had abused in filthy language and attacked the defacto complainant's son with wooden stick, as a result, the deceased committed suicide by hanging. Hence the complaint was registered.

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 19.06.2021. He further submits that he filed a bail application before the learned Principal Sessions Judge, Villupuram in Crl.MP.No.4797 of 2021 dated 24.06.2021 and the same was dismissed. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the investigation is still pending and there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

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5. Considering the fact that there is no previous case pending against the petitioner and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

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, Gingee, 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 a.m. and 05.30 p.m., until further orders;

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

(d) the petitioner shall not abscond 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]; and;

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

-sd/-

30/07/2021

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.



1 THE JUDICIAL MAGISTRATE,
GINGEE.

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2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
SATHIYAMANGALAM POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, VILLUPURAM

6 THE PRINCIPAL SESSIONS JUDGE,
VILLUPURAM

CC to M/S.K.T.S.SIVAKUMAR Advocate on payment of necessary
charges Sr.7953

CRL OP.11383/2021

Date :30/07/2021

RVR 02/08/2021