

Crl.O.P.No.13046 of 2021

M.DHANDAPANI,J.

The matter is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2.It is brought to the notice of this Court that some typographical error has been crept in para No.1 of the order dated 28.07.2021 and the same shall be replaced as follows:

"The Petitioner who is arrested on 11.06.2021 for the offence under Sections 147, 294(b), 323, 354, 506(i) , 302 of IPC r/w Section 4 of TNPHW Act, in Crime No.153 of 2021, on the file of the respondent police, seeks bail.

3. All other conditions imposed in the order dated 28.07.2021 shall remain intact except for the above said correction.

4. Registry is directed to carry out the necessary correction in the order dated 28.07.2021 and issue a fresh copy of the order to the learned counsel for the parties.

03.08.2021

msrm

Note- Issue order copy on 03.08.2021

M.DHANDAPANI,J.

msrm



Crl.O.P.No.13046 of 2021

03.08.2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

Crl.O.P.No.13046 of 2021

Kathirvel
S/o Balakrishnan

... Petitioner

Vs.

State represented by
Inspector of Police,
Kandili Police Station,
Thirupathur District.
Crime No.153 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner/accused on bail in connection with the Crime No.153 of 2021 pending on the file of the respondent police.

For Petitioner : Mr. M.P.Saravanan

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

ORDER

The petitioner who is arrested on 11.06.2021 for the offence under Sections 147, 294(b), 323, 354, 506(i), 302 of I.P.C in Crime No.153 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a quarrel between the petitioner and the defacto complainant's husband and the petitioner along with other accused attacked and caused the death of the deceased. . Based on the complaint given by the wife of the deceased, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the deceased only died to Heart attack. He further submits that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case and he is judicial custody from 11.06.2021. Hence he prays for grant of bail to the petitioner.

4.The learned Government Advocate submitted that the petitioner along with other accused attacked the husband of the defacto complainant and caused his death. Hence he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner having been under incarceration from 11.06.2021, this Court is inclined to grant bail to the petitioner with following 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the **Judicial Magistrate-II, Thirupathur**, 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 is directed to appear before the respondent police daily morning at 10.30 am 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;

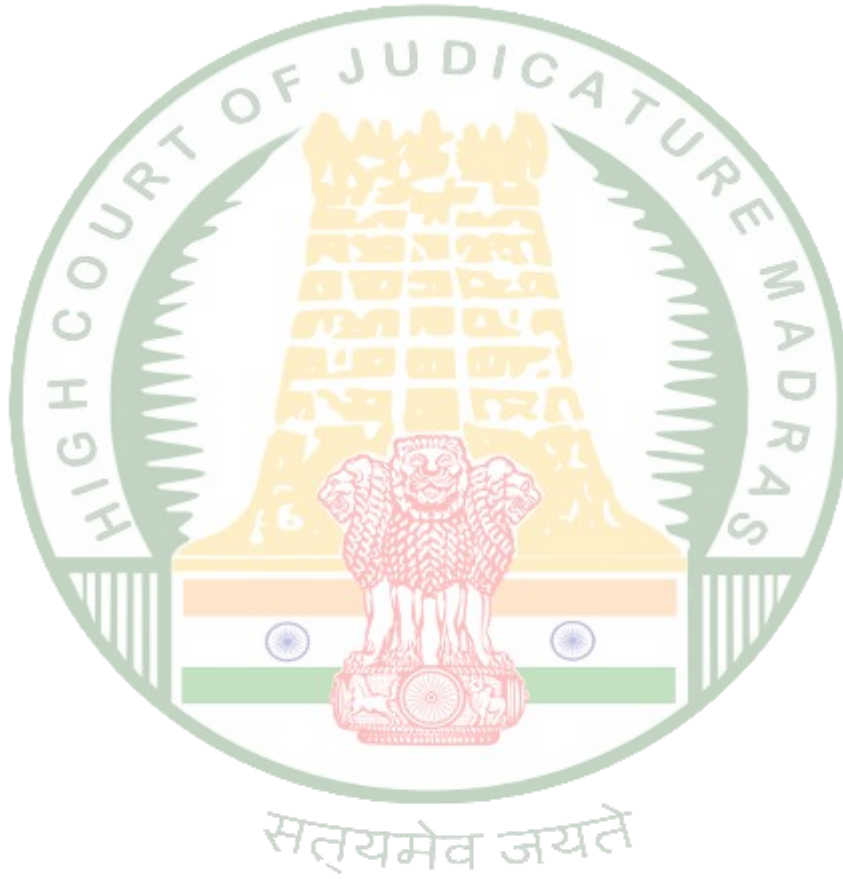
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State**

of Kerala [(2005) AIR SCW 5560]; and;

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

smn

28.07.2021



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To

1. Inspector of Police,
Kandili Police Station,
Thirupathur District. .

2. The ***Judicial Magistrate-II, Thirupathur***

3. The Central Prison, Salem.

4. The Public Prosecutor,
High Court, Madras.



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M.DHANDAPANI,J.

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28.07.2021