



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.13212 of 2021

Srithar

... Petitioner

Vs.

State Rep by  
The Inspector of Police,  
B-4, Baluchettychatram Police Station,  
Kanchipuram.  
(Crime No.400 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.400 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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

### ORDER

The petitioner who was arrested and remanded to judicial custody on 18.05.2021 for the offences punishable under Sections 341, 294(b) and 302 of IPC @ Section 120(b), 147, 148, 341, 294(b) and 302 of IPC, in Crime No.400 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is arrayed as A6 in this case. There was some property dispute between the petitioner and the deceased, the petitioner along with other accused persons had murdered the defacto complainant's husband. 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 18.05.2021. 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 as against the petitioner and the other accused persons were detained under Goondas Act. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending as against 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 No.I, Kanchipuram, 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. 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.

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-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.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.I, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE,  
CHENGALPATTU DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON,  
PUZHAL, CHENNAI

4 THE INSPECTOR OF POLICE,  
B-4, BALUCHETTYCHATRAM POLICE STATION,  
KANCHIPURAM,

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.A.SARANRAJ Advocate on payment of necessary charges

CRL OP.13212/2021

Date :30/07/2021

RW 02/08/2021