



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13397 of 2021

1.Kalpana
2.Kasthuri

... Petitioners

Vs.

State rep by
The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
(Crime No.236 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 Crime No.236 of 2021 pending investigation on the file of respondent.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioners who were arrested on 17.06.2021 and remanded to judicial custody for the offences under Sections 147, 148, 341, 294(b), 302 of IPC subsequently altered into 120(B), 147, 148, 294 (b), 302, 342, 506(ii) of IPC, in Crime No.236 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are arrayed as A6 and A7 in this case. Further, the defacto complainant is the neighbour of the deceased Sugumar, there was a land dispute between the petitioners and the deceased, as a result of which, all the accused surrounded the deceased and attacked him with wooden log all over the body and he sustained injury. The deceased was taken to the Government Hospital, Krishnagiri and he died. 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 17.06.2021. He further submits that the petitioners filed bail application before the learned Principal Sessions Judge, Krishnagiri, Krishnagiri District in Crl.MP.No.1102 of 2021 and the same was dismissed on 19.07.2021. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners have involved in group attack and caused serious injuries to the deceased and the investigation is pending.

5. Considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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.II, Krishnagiri, 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioners 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.

-sd/-
03/08/2021

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.II, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
BARGUR POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary
charges SR.NO. 8105

CRL OP.13397/2021

Date :03/08/2021

RW 04/08/2021