



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13694 of 2021

1.Rahman
2.Jameer

... Petitioners

Vs.

State rep by
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
(Crime No.175 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.175 of 2021 pending investigation on the file of respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.E. Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners who were arrested on 14.07.2021 and remanded to judicial custody for the offences under Sections 147, 148, 341, 294 (b), 307 of IPC subsequently altered into 147, 148, 341, 294(b) and 302 of IPC, in Crime No.175 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners arrayed as A4 and A5 in this case. It is alleged that the petitioners and the deceased are close relatives and due to some family dispute between the parties, the petitioners along with other accused attacked the deceased with aruval and caused grievous injuries to him and caused the death of the deceased. 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 14.07.2021. He further submits that the petitioners are arrayed as A4 and A5 and the main overtact is against A1 to A3 and these petitioners have nothing to do with the alleged offence. He further submits that the petitioners filed bail application before the learned Principal Sessions Judge, Krishnagiri, Krishnagiri District in Crl.MP.No.1203 of 2021 and the same was dismissed on 28.07.2021. Therefore, he prays to grant bail to the petitioners.



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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. Hence he vehemently opposed for grant of bail to the petitioners

5. Considering the period of incarceration suffered by the petitioners and there is no specific overt act against 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 , Denkanikottai 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/-
06/08/2021

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.



1 THE JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI DISTRICT (FOR INFORMATION).

3 THE PRINCIPAL SESSIONS JUDGE,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary
charges SR.NO.8231

CRL OP.13694/2021

Date :06/08/2021

INBA 09/08/2021