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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.14052 of 2021

1. Sathish,
2. Kannapatti

... Petitioners

Vs.

State represented by
The Inspector of Police,
Shoolagiri Police Station,
Krishnakiri District.
(Crime No.409 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.409 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.P.Saravanan

For Respondent : Mr.C.E. Pratap
Government Advocate (Cr1.Side)

ORDER

The petitioners who were arrested on 29.06.2021 and remanded to judicial custody for the offences under Section Man Missing altered to 341, 120(B), 364, 302,201 of I.P.C in Crime No.409 of 2021 on the file of the respondent police, seeks bail.

2. The petitioners herein arrayed as A2 and A3 in this case. The case of the prosecution is that the petitioners along with other accused kidnapped the deceased and demanded ransom from him and assaulted him with lethal weapon and caused injuries to him and the injured succumbed to the injuries. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners was arrested only based on suspicious ground and the petitioners are no way connected with the alleged offence and he has been in jail from 29.06.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Cr1.Side) appearing for the respondent submitted that there is no previous case pending against the petitioners. However, he vehemently opposed for grant of bail to the petitioners.



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5. Considering the fact that there is no previous case pending against the petitioners and also taking note of 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 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 District Munsif Cum Judicial Magistrate Court No.I, Hosur 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/-

11/08/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT NO.1, HOSUR.

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

3 THE INSPECTOR OF POLICE,
SHOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.14052/2021

Date :11/08/2021

INBA 12/08/2021