



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.14258 of 2021

C.Tamilselvan

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Kalambur Police Station,
Thiruvannamalai
Crime No.2678 of 2020.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 Cr.P.C. prayed to enlarge the petitioner on bail in connection with the case in Cr.No. 2678 of 2020 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Balaji

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

The petitioner, who was arrested on 08.05.2021 and remanded to judicial custody for the offences under Section 302 @ 120 B, 302 IPC in Cr.No.2678 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons assaulted the deceased Lakshmi by causing serious head injuries and due to that she had died on the spot. Hence this complaint.

3. The learned counsel for the petitioner submitted that the petitioner never committed any offence as alleged by the de-facto complainant and he is innocent of the said commission of the offence. Therefore, he has not committed any offence as alleged by the prosecution and prays for grant of bail.



4. The learned Government Advocate (Crl.Side) submitted that there is one previous case pending against the petitioner and the investigation is pending and the co-accused also granted bail by the Trial Court and he was released on bail.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and further the co-accused was granted bail, this Court is inclined to grant bail to the petitioner subject to the 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 learned Judicial Magistrate, Arni 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.

-sd/-

17/08/2021

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,
ARNI.

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2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KALAMBUR POLICE STATION,
TIRUVANNAMALAI.

4 THE SUPERINTENDENT
CENTRAL PRISON,
VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.14258/2021

Date :17/08/2021

CSK 18/08/2021