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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14403 of 2021

1.Sandeep, ... Petitioners
2. Mani,
3.Seathan,

Vs.

State:
The Inspector of Police, ... Respondent
Mathigiri Police Station,
Krishnagiri District.
Cr.No.139 of 2021.

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.139 of 2021 on the file of the respondent Police.

For Petitioners : Mr.M.P.Saravanan

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

ORDER

The petitioners, who were arrested on 02.07.2021 and remanded to judicial custody for the offence under Section Man missing @ 120(B), 302, 201 of IPC in Crime No.139 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners had kidnapped the deceased and attacked him by using lethal weapons and the injured succumbed to the injuries. 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 02.07.2021. He further submit that the petitioners are voluntarily surrendered before the Village Administrative Officer. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending as against the petitioners. He further submits that the petitioners A1 and A2 voluntarily surrendered before the VAO and based on the confession statement given by them, A3 was arrested. Hence, he vehemently opposed for grant of bail to the petitioners.

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5. Considering the period of incarceration suffered by the petitioners and there is no previous case pending 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 Judicial Magistrate No.II, 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioner 2 and 3 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/-
16/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
HOSUR.

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

3 THE INSPECTOR OF POLICE,
MATHIGIRI 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.14403/2021

Date :16/08/2021

INBA 17/08/2021

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