



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.14495 of 2021

Siddiq

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
Crime No.175 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner/accused on bail in connection with
the crime No.175 of 2021 pending on the file of the respondent
police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner who was arrested on 15.07.2021 and remanded to
judicial custody for the offence under Section 147, 148, 341, 294(b),
307 of IPC subsequently altered into 147, 148, 341, 294(b), 302 of
IPC in Crime No.175 of 2021, on the file of the respondent police,
seeks bail.

2. It is the case of the prosecution that there was a dispute
between the petitioner and his wife six months prior to the
occurrence and hence, she left the matrimonial house. The deceased
convened panchayat with the help of jamath, but she refused to
reunion with her husband. Lastly, the deceased contact the petitioner
and A2 and requested them to send his wife along with him.
Thereafter, the petitioner along with other accused joined together
and attacked the deceased with wooden log all over his body.
Thereafter, the defacto complainant lodged a complaint before the
respondent police and subsequently, he died.



3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is nothing to do with the alleged offence as stated by the prosecution and he is falsely implicated in this case. Co-accused has already arrested and released on bail. Hence, he learned counsel prays to grant bail to the petitioner.

4. The learned Government Advocate submitted that the petitioner along with other accused persons attacked the deceased person with wooden log brutally. and hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, the petitioner having been under incarceration in prison from 15.07.2021 and the co-accused has been arrested and released on bail, this Court is inclined to grant bail to the petitioner with 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, 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 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.

WEB COPY

-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.

TO

1 THE JUDICIAL MAGISTRATE
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.No.8672

CRL OP.14495/2021

Date :17/08/2021

APN 18/08/2021