



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15305 of 2021

1. Kuppuraj @ Deepakkumar Raja ... petitioners
2. Poovarasan
3. Shanthi
4. Sarasu

Vs.

The State Rep by ... Respondent
The Inspector of Police,
Elachipalayam Police Station,
Namakkal District
(Crime No.302 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.302 of 2021 on the file of the respondent police.

For petitioners : Mr. C.S. Saravanan
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners who were arrested on 20.07.2021 and remanded to judicial custody for the offences under Sections 147,148, 294(b) and 307 of IPC altered to 147,148, 294(b) and 302 of IPC in Crime No.302 of 2021 on the file of the respondent police, seek bail.

2. Totally there were eight accused in this case and the petitioners herein arrayed as A1,A2,A3 and A5. The case of the prosecution is that the petitioners and the deceased were neighbours and there was a boundary dispute between them, due to which the petitioners along with other co-accused alleged to have poured kerosene over the victim and set ablaze and as a result of which the deceased succumbed to the burn injuries. Hence ,the law enforcing agency registered a case against the petitioners and other accused.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offences and he has been falsely implicated in this case. He further submits that the petitioners are in jail from 20.07.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Cr1.Side) submitted that due to boundary dispute between the petitioners and the deceased, the petitioners along with other co-accused alleged to have poured kerosene over the victim and set ablaze and as a result of which the deceased succumbed to the burn injuries. Hence, the learned Government Advocate opposed for grant of bail to the petitioners.

5. Considering the submissions made by the petitioners and also considering 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 they executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchengode 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.

WEB COPY

-sd/-

13/09/2021

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,
TIRUCHENGODE

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ELACHIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.15305/2021

Date :13/09/2021

APN 14/09/2021