



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15307 of 2021

Raja

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Elachipalayam Police Station,
Namakkal District
(Crime No.302 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.302 of 2021 on the file of the respondent police.

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

ORDER

The petitioner who was 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, seeks bail.

2. Totally there were eight accused in this case and the petitioner herein arrayed as A4. The case of the prosecution is that the petitioner and the deceased were neighbours and there was a boundary dispute between them, due to which the petitioner 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 petitioner and other accused.

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



4. The learned Government Advocate (Crl.Side) submitted that due to boundary dispute between the petitioner and the deceased, the petitioner 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 petitioner.

5. Considering the submissions made by the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, 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 petitioner shall report before the respondent police, daily at 10.30 a.m. 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

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.



1 THE JUDICIAL MAGISTRATE,
TIRUCHENGODE

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.15307/2021

Date :13/09/2021

APN 14/09/2021