



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.15677 of 2021

Rajasekar

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
Mohanur Police Station,
Namakkal District
Cr.No.572 of 2021.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in in Cr.No.572 of 2021 on the file of the respondent police.

For Petitioner : Mr.C. Prabakaran

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

ORDER

The petitioner who was arrested on 13.07.2021 and remanded to judicial custody for the offences under Section 302 of I.P.C, in Crime No.572 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are 11 accused in this case and the petitioner herein arrayed as A9. It is alleged that the brother of the defacto complainant and the second accused are husband and wife and the first accused claims to be tenant cum paramour of the second accused. Hence the petitioner who is a relative of the first accused along with other accused conspired together and assaulted the brother of the defacto complainant and murdered him. Hence the law enforcing agency registered a case against the petitioner and other accused persons.

3. The learned counsel appearing for the petitioner submitted that the petitioner is only a relative of A1 that apart he has not committed any offence as alleged by the prosecution and he has been falsely implicated in the case and he is in judicial custody from 13.07.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that there was no previous case pending against the petitioner. However he opposed for grant of bail to the petitioner.

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5. Considering the facts of the case and the period of incarceration suffered by the petitioner and there is no specific overtact against the petitioner, 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, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Namakkal 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 second and third petitioner 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/-

08/09/2021

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,
NO.II, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S. C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.9772

CRL OP.15677/2021

Date :08/09/2021

RW 09/09/2021