



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.15760 of 2021

1. Pagavantha @ Ravi ... Petitioners
2. Sambangi @ Sampangirama
3. Vajramuni

Vs.

State by:- ... Respondent
Inspector of Police,
Thally Police Station,
Krishnagiri District.
(Crime No.136 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners pending investigation in Crime No.136 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

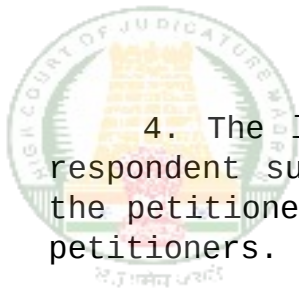
For Respondent : Mr.A.Gopinath
Government Advocate (Cr1.Side)

ORDER

The petitioners, A1 and A2 were arrested on 02.07.2021 and A3 was arrested on 03.07.2021 and remanded to judicial custody for the offences under Sections 302 and 427 of IPC, in Crime No.136 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a previous enmity between the petitioners and the defacto complainant's son, as a result of which, the petitioners had attacked the deceased, due to which, the deceased died on the spot. 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. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is one previous case pending against the petitioners. Hence, he vehemently opposed for grant of bail to the petitioners.

5. 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 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 learned District Munsiff cum 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 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.

-sd/-

02/09/2021

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 DISTRICT MUNSIF-CUM
JUDICIAL MAGISTRATE, DENKANIKOTTAI.

WEB COPY

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THALLY POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

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

CRL OP.15760/2021

Date :02/09/2021

RW-03/09/2021