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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16777 of 2021

Nagappan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Vellaikoil Police Station,
Tiruppur District.
(Crime No.908 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 Crime No.908 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Krishnan

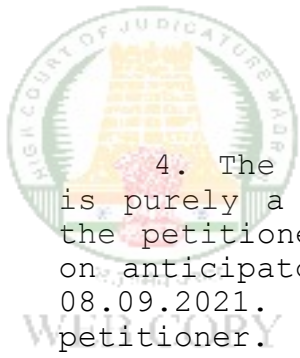
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 31.08.2021 for the offences under Sections 294(b) and 364 of IPC, in Crime No.908 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Ravi who is a Mastri by profession agreed to harvest the Sugarcane in and around the agricultural lands of the Muthur village and received a considerable amount from many persons. Thereafter he has neither completed the work nor returned the money. It is alleged that the petitioner herein assisted the said Ravi to do the crime. Hence the law enforcing agency

2. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and he has been falsely implicated. He further submits that he is in jail from 31.08.2021. He further submits that the co-accused was enlarged on anticipatory bail by this Court in Crl.OP.No.16032 of 2021 dated 08.09.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Public Prosecutor (Pondicherry) submits that it is purely a money transaction dispute between the Maistry Ravi and the petitioner. He further submits that the co-accused was enlarged on anticipatory bail by this Court in CrI.OP.No.16302 of 2021 dated 08.09.2021. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts that the co-accused was enlarged on bail and 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, Kangeyam 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.

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-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,
KANGEYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VELLAIKOIL POLICE STATION,
TIRUPPUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.KRISHNAN Advocate on payment of necessary
charges SR.NO. 9944

CRL OP.16777/2021

Date :13/09/2021

JPA 13/09/2021