



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18408 of 2021

Ilaiyaraja

... Petitioner

Vs.

The State represented by
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District
(Crime No.1233 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.1233 of 2021 on the file of the respondent police.

For Petitioner : Mr.P. Chandra Sekar

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

ORDER

The petitioner who was arrested on 13.08.2021 and remanded to judicial custody for the offences under Sections ,294(b), 324,307,506(ii), 302 and 120(B) of I.P.C in Crime No.1233 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are three accused in this case and the petitioner herein arrayed as A2. The case of the prosecution is that the deceased developed illegal intimacy with the defacto complainant and the same was warned by A1/husband of the deceased. Subsequently on the date of occurrence the A1 along with other accused said to have assaulted the deceased and murdered the deceased. Hence the law enforcing agency registered a case against the petitioner and other accused persons.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 13.08.2021. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with A1 who is the husband of the defacto complainant, suspecting the illicit intimacy of the deceased with the defacto complainant, assaulted the defacto complainant and the deceased, wherein the defacto complainant sustained injuries over head and hands and the deceased died due to grievous injuries all over the body and head. He further submits that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts of the case and the and there is no previous case pending against the petitioner and also taking note of 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 No.II,Ponneri ,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.

WEB COPY

-sd/-

04/10/2021

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 PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S.P.CHANDRA SEKAR Advocate on payment of necessary charges

CRL OP.18408/2021

Date :04/10/2021

APN 05/10/2021