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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.19185 of 2021

S.Prabhu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
(Crime No.1492 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.1492 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Maharaja

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

ORDER

The petitioner, who was arrested on 04.08.2021 and remanded to judicial custody for the offences under Sections 294(b), 307 of IPC altered to Section 302 of IPC, in Crime No.1492 of 2021 on the file of the respondent police, seeks bail.

2. This is the third bail application filed before this Court. The case of the prosecution is that there was a wordy quarrel between the brother of the defacto complainant and the petitioner along with other accused persons. Whiles, the petitioner dashed the brother of the defacto complainant with a ford fiesta car and the brother of the defacto complainant fell down and sustained injury and died. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case. He further submitted that co-accused have already been released on bail by this Court in CrI.O.P.No.19477 of 2021 dated 12.10.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner and the investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner, co-accused enlarged on bail, and there is no previous case pending against 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, Palladam, 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/-
27/10/2021

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT

4 THE OFFICER INCHARGE,
DISTRICT JAIL, TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.19185/2021

Date :27/10/2021

JPA 28/10/2021