



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21182 of 2021

R.Dhanasekar

... Petitioner

Vs.

The State rep by
The Inspector of Police
Railway Police Station, Mettupalayam
Coimbatore District.
Crime No.14 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.14 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 09.10.2021 under Section 174(1) of Cr.P.C altered into Section 306 IPC, in Crime No.14 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.10.2021 at about 23.30 hours, the respondent police received a compliant from the Railway Station Officer stating that a male dead body was found in the railway track. Initially, the case was registered under Section 174 (1) Cr.P.C. and later on investigation, it was found that the accused had received camera from the deceased for rent and thereafter, not returned the same. Hence, the deceased committed suicide by falling in front of the train. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement recorded from A1. He would further submit that A3 and A4 have been granted bail by the Court below and the petitioner has been suffering incarceration for more than 20 days from 20.10.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised formal objection stating that the deceased had given his camera to A1 and A4 and thereafter, they did not return same and hence, the deceased committed suicide. He would also submit that A1 is still in custody and A3 & A4 have been granted bail by the court below.

5. Considering the fact that A3 and A4 have been granted bail and the investigation is almost completed and also 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 Mettupalayam, 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/-
11/11/2021

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,
METTUPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION,
METTUPALAYAM, COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary charges SR.NO.12659

CRL OP.21182/2021

Date :11/11/2021

JPA 12/11/2021