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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

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

Cr1.O.P.No.22004 of 2021

Karthick

...Petitioner

Vs.

The State by
The Inspector of Police,
Veppanapalli Police Station,
Krishnagiri District.
Crime No.174 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.174 of 2021 on the file of the respondent Police.

For petitioner : Mr.M.Jayachandran

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 19.09.2021 for the offence under Sections 302 @ 302, 147, 148, 341 of IPC, in Crime No.174 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to previous enmity, on 18.09.2021 at about 5.30 a.m., the petitioner along with other accused murdered the father-in-law of the defacto complainant by using knife. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that A3 has been granted bail by this Court in Cr1.O.P.No.18665



of 2021 dated 29.10.2021 and the petitioner has been suffering incarceration for more than 60 days from 19.09.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that one Jamuna who is the daughter-in-law of the deceased, had died in an accident. Subsequently, a petition seeking for compensation was filed in which, the parents of the said Jamuna claimed that they are also the legal heirs of the Jamuna. Hence, there was dispute between the parents of the said Jamuna and the deceased due to which, the occurrence happened. The petitioner is arrayed as A1 and he is the brother of the said Jamuna.

5. Considering the facts and circumstances of the case and that the co-accused has been released on bail by this Court and the investigation is almost completed and also considering the period of incarceration undergone 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, Krishnagiri, and on further conditions 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 on every Wednesday and Saturday at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness during trial;

(d) the petitioner shall not abscond during 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/-
22/11/2021

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,
NO.II, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VEPPANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM

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

CRL OP.22004/2021

Date :22/11/2021

APN 23/11/2021