



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

Crl.O.P.No.24180 of 2021

A.Rajesh @ Rakesh

... Petitioner

Vs.

State rep by its  
Inspector of Police,  
Hudco Police Station,  
Baskardas Nagar Road,  
Baskardas Nagar  
Moranapalli,  
Krishnagiri District.  
Cr.No.189 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.189 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Santhosh

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.09.2021 for the offences under Sections 364, 302, 201 @ 147, 148, 364, 302, 201 of IPC, in Crime No.189 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that deceased had showed a golden ball to the accused named Sabri singh and Kantharaj. Believing the same, they both gave a sum of Rs.4,00,000/- to the deceased and later it was found that it was not gold. Hence, the petitioner along with other accused kidnapped the deceased and killed him and put the body in a barrel and thrown it in the Thenpennai river. Hence the complaint.



3. The learned counsel for the petitioner/A7 would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the alleged occurrence is said to have taken place in the year 2018 and some of the co-accused/A4, A5, A6 A8 and A12 have been released on bail and that the petitioner has been suffering incarceration for more than 70 days from 28.09.2021 and he would pray for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that there totally 12 accused involved in this case and that A1 and A3 have been detained under Goondas but admits that A4 to A6 and A8 to A12 have been released on bail and that the investigation has been completed.

5. Considering the facts that some of the co-accused have been released on bail and the investigation has been 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 II, Hosur, 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/-  
13/12/2021

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, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
HUDCO POLICE STATION,  
BASKARDAS NAGAR ROAD, BASKARDAS NAGAR,  
MORANAPALLI, KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to Mr.S.Santhosh Advocate on payment of necessary charges  
SR.NO.14597

CRL OP.24180/2021

Date :13/12/2021

JPA 14/12/2021