



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Crl.O.P.No.1092 of 2022

Kumar

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
Bagayam Police Station,
Bagayam, Vellore District.
(Crime No: 398 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.398 of 2021 pending on the file of the Inspector of Police, Bagayam Police Station, Bagayam, Vellore District.

For petitioner : M/s.G.Vinodhkumar

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 10.11.2021 for the offences under Sections 294(b), 323, 324, 341, 506(ii) IPC @ 147, 148, 294(b), 323, 324, 341, 506(ii) IPC @ 302 IPC, in Crime No.398 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.10.2021, when the accused persons waylaid the deceased and when the same was questioned, there was a quarrel between them during which, the accused persons assaulted the deceased with wooden log due to which, he sustained injuries and admitted in the hospital and later the injured has died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is arrayed as A7 and that the co-accused A3, A4 & A6 has already granted bail in Crl.O.P.No. 25407 of 2021 dated 03.01.2022 and that he is suffering incarceration for about 70 days from 10.11.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for respondent would raise objection stating that totally 9 accused in this case and that the petitioner is arrayed as A7. He would further submit that all the accused have been arrested but admits that the co-accused have been released on bail. He would further submit that the deceased is aged about 17 years but admits that the investigation is almost completed.

5. Considering the fact that co-accused have been released on bail and that 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.

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Vellore, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

21/01/2022

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.I, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
THE INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
BAGAYAM, VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to G.VINODHKUMAR Advocate on payment of necessary charges
Sr.924

CRL OP.1092/2022

Date :21/01/2022

RVR 24/01/2022