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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.898 of 2022

Madhavan

.. 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 investigation in Crime No.398 of 2021 on the file of the Inspector of police.

For Petitioner : Mr.G.Vinodhkumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 30.10.2021 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 at about 05.00 p.m, when the deceased was proceeding near DKM College Road, the petitioner and other accused persons assaulted the deceased by using wooden log and threatened him and subsequently, he was admitted in the hospital and later on 05.11.2021, he died. Hence the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He



further submits that the petitioner was suffering incarceration for 75 days from 30.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that there are totally 9 accused involved in this case and the petitioner is arrayed as A5. He further submitted that the investigation almost completed. He further submits that the co-accused was enlarged on bail by this Court in Crl.OP.No.118 of 2022 dated 11/01/2022.

5. Considering the facts and circumstances of the case and also the fact 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 conditions.

[a] the Petitioner is ordered to be released on bail on executing his 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 out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only), 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioner shall appear before the respondent police on every Tuesday and Saturday at 10.30 a.m until further orders;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

12/01/2022

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 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
BAGAYAM, VELLORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S G.VINODHKUMAR Advocate on payment of necessary charges SR.NO.629

CRL OP.898/2022

Date :12/01/2022

RW 19/01/2022